



## Senate

General Assembly

**File No. 707**

January Session, 2013

Substitute Senate Bill No. 1164

*Senate, May 6, 2013*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### ***AN ACT CONCERNING REVISIONS TO STATUTES CONCERNING HUMAN RIGHTS AND OPPORTUNITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-1f of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2013*):

3 For purposes of sections 3-10e, 4a-60, subdivision (12) of section 38a-  
4 816, [and sections 46a-58, 46a-60, 46a-64, 46a-70 to 46a-73, inclusive,  
5 46a-75, 46a-76 and] section 52-175a and chapter 814c:

6 (a) An individual is blind if [his] such individual's central visual  
7 acuity does not exceed 20/200 in the better eye with correcting lenses,  
8 or if [his] such individual's visual acuity is greater than 20/200 but is  
9 accompanied by a limitation in the fields of vision such that the widest  
10 diameter of the visual field subtends an angle no greater than twenty  
11 degrees;

12 (b) An individual is physically disabled or has a physical disability,

13 as defined in section 46a-51, as amended by this act, if [he] such  
14 individual has any chronic physical [handicap] disability, infirmity or  
15 impairment, whether congenital or resulting from bodily injury,  
16 organic processes or changes or from illness, including, but not limited  
17 to, blindness, epilepsy, deafness or hearing impairment or reliance on a  
18 wheelchair or other remedial appliance or device.

19 Sec. 2. Section 46a-51 of the general statutes is repealed and the  
20 following is substituted in lieu thereof (*Effective July 1, 2013*):

21 As used in section [4a-60a] 4a-60, as amended by this act, and this  
22 chapter:

23 (1) "Application for credit" means any communication, oral or  
24 written, by a person to a creditor requesting an extension of credit to  
25 that person or to any other person, and includes any procedure  
26 involving the renewal or alteration of credit privileges or the changing  
27 of the name of the person to whom credit is extended;

28 [(1)] (2) "Blind" refers to an individual whose central visual acuity  
29 does not exceed 20/200 in the better eye with correcting lenses, or  
30 whose visual acuity is greater than 20/200 but is accompanied by a  
31 limitation in the fields of vision such that the widest diameter of the  
32 visual field subtends an angle no greater than twenty degrees;

33 (3) "Board of commissioners" means the commissioners of the  
34 Commission on Human Rights and Opportunities appointed pursuant  
35 to section 46a-52, as amended by this act, acting as a body;

36 [(2)] (4) "Commission" means, unless the context clearly indicates a  
37 different meaning or intent, the professional staff of the Commission  
38 on Human Rights and Opportunities [created by section 46a-52] or the  
39 executive director or the executive director's designee lawfully  
40 exercising the powers and duties ascribed to the commission;

41 [(3)] (5) "Commission legal counsel" means a member of the legal  
42 staff employed by the commission pursuant to section 46a-54, as  
43 amended by this act;

44     ~~[(4)]~~ (6) "Commissioner" means [a] an individual member of the  
45 [commission] board of commissioners appointed pursuant to section  
46 46a-52, as amended by this act;

47     (7) "Complainant" means any person, whether acting on his or her  
48 own behalf or through an attorney, who files a complaint pursuant to  
49 section 46a-82, as amended by this act;

50     ~~[(5)]~~ (8) "Court" means the Superior Court or any judge of said  
51 court;

52     (9) "Covered multifamily dwelling" means buildings consisting of  
53 four or more units if such buildings have one or more elevators, and  
54 ground floor units in other buildings consisting of four or more units;

55     (10) "Credit" means the right granted by a creditor to a person to  
56 defer payment of debt or to incur debt and defer its payment, or  
57 purchase property or services and defer payment therefor, including,  
58 but not limited to, the right to incur and defer debt which is secured by  
59 residential real property;

60     (11) "Credit sale" means any transaction with respect to which credit  
61 is granted;

62     (12) "Credit transaction" means any invitation to apply for credit,  
63 application for credit, extension of credit or credit sale;

64     (13) "Creditor" means any person who regularly extends or arranges  
65 for the extension of credit for which the payment of a finance charge or  
66 interest is required whether in connection with loans, sale of property  
67 or services or otherwise;

68     ~~[(6)]~~ (14) "Discrimination" includes segregation and separation;

69     (15) "Discrimination because of religion" includes, but is not limited  
70 to, discrimination related to all aspects of religious observances and  
71 practice as well as belief, unless, in the context of an employer-  
72 employee relationship, an employer demonstrates that the employer is

73 unable to reasonably accommodate to an employee's or prospective  
74 employee's religious observance or practice without undue hardship  
75 on the conduct of the employer's business;

76 (16) "Discrimination because of sex" includes, but is not limited to,  
77 discrimination related to pregnancy, child-bearing capacity,  
78 sterilization, fertility or related medical conditions;

79 [(7)] (17) "Discriminatory employment practice" means any  
80 discriminatory practice specified in section 46a-60, as amended by this  
81 act; [or 46a-81c;]

82 (18) "Discriminatory housing practice" means any discriminatory  
83 practice specified in section 46a-64c, as amended by this act;

84 [(8)] (19) "Discriminatory practice" means a violation of any  
85 requirement established by the commission pursuant to subdivisions  
86 (13) to (16), inclusive, of section 46a-54, as amended by this act, or a  
87 violation of section 4a-60, as amended by this act, [4a-60a,] 4a-60g, as  
88 amended by this act, 46a-58, as amended by this act, 46a-59, as  
89 amended by this act, 46a-60, as amended by this act, 46a-64, as  
90 amended by this act, 46a-64c, as amended by this act, 46a-66, as  
91 amended by this act, 46a-68, as amended by this act, 46a-68c to 46a-68f,  
92 inclusive, or 46a-70 to 46a-78, inclusive, as amended by this act, or  
93 subsection (a) of section 46a-80; [or sections 46a-81b to 46a-81o,  
94 inclusive;]

95 (20) "Dwelling" means any building, structure, mobile  
96 manufactured home park or portion thereof that is occupied as, or  
97 designed or intended for occupancy as, a residence by one or more  
98 families, and any vacant land that is offered for sale or lease for the  
99 construction or location thereon of any such building, structure,  
100 mobile manufactured home park or portion thereof;

101 [(9)] (21) "Employee" means any person employed by an employer  
102 but shall not include any individual employed by such individual's  
103 parents, spouse or child, or in the domestic service of any person;

104 [(10)] (22) "Employer" includes the state and all political  
105 subdivisions thereof and means any person or employer with three or  
106 more persons in such person's or employer's employ;

107 [(11)] (23) "Employment agency" means any person undertaking  
108 with or without compensation to procure employees or opportunities  
109 to work;

110 (24) "Extension of credit" means all acts incident to the evaluation of  
111 an application for credit and the granting of credit;

112 (25) "Fair Housing Act" means Title VIII of the Civil Rights Act of  
113 1968, as amended, and known as the federal Fair Housing Act (42 USC  
114 3600-3620);

115 (26) "Familial status" means (A) one or more individuals who have  
116 not attained the age of eighteen years being domiciled with a parent or  
117 another person having legal custody of such individual or individuals;  
118 (B) the designee of such parent or other person having such custody  
119 with the written permission of such parent or other person; or (C) any  
120 person who is pregnant or is in the process of securing legal custody of  
121 any individual who has not attained the age of eighteen years;

122 (27) "Family" includes a single individual;

123 (28) "Gender identity or expression" means a person's gender-  
124 related identity, appearance or behavior, whether or not that gender-  
125 related identity, appearance or behavior is different from that  
126 traditionally associated with the person's physiology or assigned sex at  
127 birth, which gender-related identity can be shown by providing  
128 evidence including, but not limited to, medical history, care or  
129 treatment of the gender-related identity, consistent and uniform  
130 assertion of the gender-related identity or any other evidence that the  
131 gender-related identity is sincerely held, part of a person's core  
132 identity or not being asserted for an improper purpose;

133 (29) "Housing for older persons" means housing (A) provided under  
134 any state or federal program that the Secretary of the United States

135 Department of Housing and Urban Development determines is  
136 specifically designed and operated to assist elderly persons as defined  
137 in the state or federal program; (B) intended for, and solely occupied  
138 by, persons sixty-two years of age or older; or (C) intended and  
139 operated for occupancy by at least one person fifty-five years of age or  
140 older per unit in accordance with the standards set forth in the Fair  
141 Housing Act and regulations developed pursuant thereto by the  
142 Secretary of the United States Department of Housing and Urban  
143 Development;

144 (30) "Intellectual disability" means intellectual disability as defined  
145 in section 1-1g, as amended by this act;

146 (31) "Invitation to apply for credit" means any communication, oral  
147 or written, by a creditor that encourages or prompts an application for  
148 credit;

149 [(12)] (32) "Labor organization" means any organization which exists  
150 for the purpose, in whole or in part, of collective bargaining or of  
151 dealing with employers concerning grievances, terms or conditions of  
152 employment, or of other mutual aid or protection in connection with  
153 employment;

154 [(13) "Intellectual disability" means intellectual disability as defined  
155 in section 1-1g;]

156 (33) "Lawful source of income" means income derived from Social  
157 Security, supplemental security income, housing assistance, child  
158 support, alimony or public or state-administered general assistance;

159 (34) "Learning disability" means a severe discrepancy between  
160 educational performance and measured intellectual ability and a  
161 disorder in one or more of the basic psychological processes involved  
162 in understanding or in using language, spoken or written, which may  
163 manifest itself in a diminished ability to listen, speak, read, write, spell  
164 or to do mathematical calculations;

165 (35) "Marital status" means being single, married as recognized by

166 the state, widowed, separated or divorced;

167 (36) "Mental disability" means one or more mental disorders, as  
168 defined in the most recent edition of the American Psychiatric  
169 Association's "Diagnostic and Statistical Manual of Mental Disorders",  
170 or a record of or regarding a person as having one or more such  
171 disorders and, for the purposes of section 46a-64c, as amended by this  
172 act, also includes, but is not limited to, any handicap, as defined in the  
173 Fair Housing Act;

174 (37) "Minority business enterprise" means any contractor,  
175 subcontractor or supplier of materials, fifty-one per cent or more of the  
176 capital stock, if any, or assets of which is owned by a person or  
177 persons: (A) Who are active in the daily affairs of the enterprise; (B)  
178 who have the power to direct the management and policies of the  
179 enterprise; and (C) who are members of a minority, as defined in  
180 subsection (a) of section 32-9n;

181 (38) "Mobile manufactured home park" means a plot of land upon  
182 which two or more mobile manufactured homes occupied for  
183 residential purposes are located;

184 [(14)] (39) "Person" means one or more individuals, partnerships,  
185 associations, corporations, limited liability companies, legal  
186 representatives, trustees, trustees in bankruptcy, receivers and the state  
187 and all political subdivisions and agencies thereof;

188 (40) "Person claiming to be aggrieved" means any person who  
189 claims to have been injured by a discriminatory practice or who  
190 believes that such person will be injured by a discriminatory practice  
191 that is about to occur;

192 [(15) "Physically disabled" refers to] (41) "Physical disability" means  
193 any [individual who has any] chronic physical [handicap] disability,  
194 infirmity or impairment, whether congenital or resulting from bodily  
195 injury, organic processes or changes or from illness, including, but not  
196 limited to, blindness, epilepsy, deafness or hearing impairment or

197 reliance on a wheelchair or other remedial appliance or device and, for  
198 the purposes of section 46a-64c, as amended by this act, also includes,  
199 but is not limited to, any handicap, as defined in the Fair Housing Act;

200 (42) "Public accommodation, resort or amusement" means any  
201 establishment that offers its services, facilities or goods to the general  
202 public, including, but not limited to, any commercial property or  
203 building lot on which it is intended that a commercial building will be  
204 constructed or offered for sale or rent;

205 (43) "Reasonable cause" means a bona fide belief that the material  
206 issues of fact are such that a person of ordinary caution, prudence and  
207 judgment could believe the facts alleged in the complaint;

208 (44) "Referee" means a human rights referee appointed pursuant to  
209 section 46a-57, as amended by this act;

210 (45) "Residential-real-estate-related transaction" means (A) the  
211 making or purchasing of loans or providing other financial assistance  
212 for purchasing, constructing, improving, repairing or maintaining a  
213 dwelling, or secured by residential real estate; or (B) the selling,  
214 brokering or appraising of residential real property;

215 [(16)] (46) "Respondent" means any person, whether acting on his or  
216 her own behalf or through an attorney, alleged in a complaint filed  
217 pursuant to section 46a-82, as amended by this act, to have committed  
218 a discriminatory practice;

219 [(17)] "Discrimination on the basis of sex" includes but is not limited  
220 to discrimination related to pregnancy, child-bearing capacity,  
221 sterilization, fertility or related medical conditions;

222 (18) "Discrimination on the basis of religious creed" includes but is  
223 not limited to discrimination related to all aspects of religious  
224 observances and practice as well as belief, unless an employer  
225 demonstrates that the employer is unable to reasonably accommodate  
226 to an employee's or prospective employee's religious observance or  
227 practice without undue hardship on the conduct of the employer's



228 business;

229 (19) "Learning disability" refers to an individual who exhibits a  
230 severe discrepancy between educational performance and measured  
231 intellectual ability and who exhibits a disorder in one or more of the  
232 basic psychological processes involved in understanding or in using  
233 language, spoken or written, which may manifest itself in a diminished  
234 ability to listen, speak, read, write, spell or to do mathematical  
235 calculations;

236 (20) "Mental disability" refers to an individual who has a record of,  
237 or is regarded as having one or more mental disorders, as defined in  
238 the most recent edition of the American Psychiatric Association's  
239 "Diagnostic and Statistical Manual of Mental Disorders"; and

240 (21) "Gender identity or expression" means a person's gender-  
241 related identity, appearance or behavior, whether or not that gender-  
242 related identity, appearance or behavior is different from that  
243 traditionally associated with the person's physiology or assigned sex at  
244 birth, which gender-related identity can be shown by providing  
245 evidence including, but not limited to, medical history, care or  
246 treatment of the gender-related identity, consistent and uniform  
247 assertion of the gender-related identity or any other evidence that the  
248 gender-related identity is sincerely held, part of a person's core  
249 identity or not being asserted for an improper purpose.]

250 (47) "Sexual orientation" means heterosexuality, homosexuality or  
251 bisexuality, or having a history of or being identified as such; and

252 (48) "To rent" includes to lease, to sublease, to let and to otherwise  
253 grant for a consideration the right to occupy premises not owned by  
254 the occupant.

255 Sec. 3. Section 46a-52 of the general statutes is repealed and the  
256 following is substituted in lieu thereof (*Effective July 1, 2013*):

257 (a) The [commission] board of commissioners of the Commission on  
258 Human Rights and Opportunities shall consist of nine persons. On and

259 after October 1, 2000, such persons shall be appointed with the advice  
260 and consent of both houses of the General Assembly. (1) On or before  
261 July 15, 1990, the Governor shall appoint five members of the  
262 [commission] board of commissioners, three of whom shall serve for  
263 terms of five years and two of whom shall serve for terms of three  
264 years. Upon the expiration of such terms, and thereafter, the Governor  
265 shall appoint either two or three members, as appropriate, to serve for  
266 terms of five years. On or before July 14, 1990, the president pro  
267 tempore of the Senate, the minority leader of the Senate, the speaker of  
268 the House of Representatives and the minority leader of the House of  
269 Representatives shall each appoint one member to serve for a term of  
270 three years. Upon the expiration of such terms, and thereafter,  
271 [members] commissioners so appointed shall serve for terms of three  
272 years. (2) If any vacancy occurs, the appointing authority making the  
273 initial appointment shall appoint a person to serve for the remainder of  
274 the unexpired term. The Governor shall select one of the [members of  
275 the commission] commissioners to serve as chairperson of the board of  
276 commissioners for a term of one year. The [commission] board of  
277 commissioners shall meet at least once during each two-month period  
278 and at such other times as the chairperson deems necessary. Special  
279 meetings shall be held on the request of a majority of the [members of  
280 the commission] board of commissioners after notice in accordance  
281 with the provisions of section 1-225.

282 (b) Except as provided in section 46a-57, as amended by this act, the  
283 [members of the commission] commissioners shall serve without pay,  
284 but their reasonable expenses, including educational training expenses  
285 and expenses for necessary stenographic and clerical help, shall be  
286 paid by the state upon approval of the Commissioner of  
287 Administrative Services. Not later than two months after appointment  
288 to the [commission] board of commissioners, each [member of the  
289 commission] commissioner shall receive a minimum of ten hours of  
290 introductory training prior to voting on any [commission] matter  
291 before the board of commissioners. Each year following such  
292 introductory training, each [member] commissioner shall receive five  
293 hours of follow-up training. Such introductory and follow-up training

294 shall consist of instruction on the laws governing discrimination in  
295 employment, housing, public accommodation and credit, affirmative  
296 action and the procedures of the commission. Such training shall be  
297 organized by the managing director of the legal division of the  
298 commission. Any [member] commissioner who fails to complete such  
299 training shall not vote on any [commission] matter before the board of  
300 commissioners. Any [member] commissioner who fails to comply with  
301 such introductory training requirement within six months of  
302 appointment shall be deemed to have resigned from office. Any  
303 [member] commissioner who fails to attend three consecutive meetings  
304 or who fails to attend fifty per cent of all meetings held during any  
305 calendar year shall be deemed to have resigned from office.

306 (c) On or before July 15, 1989, the [commission] board of  
307 commissioners shall appoint an executive director who shall be the  
308 chief executive officer of the Commission on Human Rights and  
309 Opportunities to serve for a term expiring on July 14, 1990. Upon the  
310 expiration of such term and thereafter, the executive director shall be  
311 appointed for a term of four years. The executive director shall be  
312 supervised and annually evaluated by the [commission] board of  
313 commissioners. The executive director shall serve at the pleasure of the  
314 [commission] board of commissioners but no longer than four years  
315 from July fifteenth in the year of his or her appointment unless  
316 reappointed pursuant to the provisions of this subsection. The  
317 executive director shall receive an annual salary within the salary  
318 range of a salary group established by the Commissioner of  
319 Administrative Services for the position. The executive director (1)  
320 shall conduct comprehensive planning with respect to the functions of  
321 the commission; (2) shall coordinate the activities of the commission;  
322 and (3) shall cause the administrative organization of the commission  
323 to be examined with a view to promoting economy and efficiency. In  
324 accordance with established procedures, the executive director may  
325 enter into such contractual agreements as may be necessary for the  
326 discharge of the director's duties.

327 (d) The executive director may appoint no more than two deputy

328 directors with the approval of a majority of the [members of the  
329 commission] board of commissioners. The deputy directors shall be  
330 supervised by the executive director and shall assist the executive  
331 director in the administration of the commission, the effectuation of its  
332 statutory responsibilities and such other duties as may be assigned by  
333 the executive director. Deputy directors shall serve at the pleasure of  
334 the executive director and without tenure. The executive director may  
335 remove a deputy director with the approval of a majority of the  
336 [members of the commission] board of commissioners.

337 (e) The commission shall be within the Labor Department for  
338 administrative purposes only.

339 Sec. 4. Section 46a-54 of the general statutes is repealed and the  
340 following is substituted in lieu thereof (*Effective July 1, 2013*):

341 The commission shall have the following powers and duties:

342 (1) To establish and maintain such offices as the commission may  
343 deem necessary;

344 (2) To organize the commission into a division of affirmative action  
345 monitoring and contract compliance, a division of discriminatory  
346 practice complaints, a legal division and such other divisions, bureaus  
347 or units as may be necessary for the efficient conduct of business; [of  
348 the commission;]

349 (3) To employ legal staff and commission legal counsel as necessary  
350 to perform the duties and responsibilities under [section 46a-55] this  
351 chapter. One commission legal counsel shall serve as supervising  
352 attorney. Each commission legal counsel shall be admitted to practice  
353 law in this state;

354 (4) To appoint such investigators and other employees and agents as  
355 it deems necessary, fix their compensation within the limitations  
356 provided by law and prescribe their duties;

357 (5) To adopt, publish, amend and rescind regulations, in

358 consultation with the board of commissioners, consistent with and to  
359 effectuate the provisions of this chapter;

360 (6) To establish rules of practice to govern, expedite and effectuate  
361 the procedures set forth in this chapter;

362 (7) To recommend policies and make recommendations to agencies  
363 and officers of the state and local subdivisions of government to  
364 effectuate the policies of this chapter;

365 (8) To receive, initiate as provided in section 46a-82, as amended by  
366 this act, investigate and mediate discriminatory practice complaints;

367 (9) By itself or [with or by hearing officers or human rights referees]  
368 by presiding officers, to hold hearings, subpoena witnesses and  
369 compel their attendance, administer oaths, take the testimony of any  
370 person under oath and require the production for examination of any  
371 books and papers relating to any matter under investigation or in  
372 question;

373 (10) To make rules as to the procedure for the issuance of subpoenas  
374 by individual commissioners [, hearing officers and human rights  
375 referees] and presiding officers;

376 (11) To require written answers to interrogatories under oath  
377 relating to any complaint under investigation pursuant to this chapter  
378 alleging any discriminatory practice, [as defined in subdivision (8) of  
379 section 46a-51,] and to adopt regulations, in accordance with the  
380 provisions of chapter 54, for the procedure for the issuance of  
381 interrogatories and compliance with interrogatory requests;

382 (12) To [utilize such] accept voluntary and uncompensated services  
383 [of] from private individuals, agencies and organizations; [as may  
384 from time to time be offered and needed and with the cooperation of  
385 such agencies, (A) to study the problems of discrimination in all or  
386 specific fields of human relationships, and (B) to foster through  
387 education and community effort or otherwise good will among the  
388 groups and elements of the population of the state;]

389 (13) To require the posting by an employer, employment agency or  
390 labor organization of such notices regarding statutory provisions as  
391 the commission shall provide;

392 (14) To require the posting, by any respondent or other person  
393 subject to the requirements of section 46a-64, as amended by this act,  
394 or 46a-64c, as amended by this act, [46a-81d or 46a-81e,] of such notices  
395 of statutory provisions as it deems desirable;

396 (15) (A) To require an employer having three or more employees to  
397 post in a prominent and accessible location information concerning the  
398 illegality of sexual harassment and the remedies available to victims of  
399 sexual harassment; and (B) to require an employer having fifty or more  
400 employees to provide two hours of training and education [to all  
401 supervisory employees within one year of October 1, 1992, and]  
402 relating to the illegality of sexual harassment to all new supervisory  
403 employees within six months of their assumption of a supervisory  
404 position, provided any employer who has provided such training and  
405 education to any such employees after October 1, 1991, shall not be  
406 required to provide such training and education a second time. Such  
407 training and education shall include information concerning the  
408 federal and state statutory provisions concerning sexual harassment  
409 and the remedies available to victims of sexual harassment. As used in  
410 this subdivision, "sexual harassment" [shall have] has the same  
411 meaning as set forth in subdivision [(8)] (6) of subsection (a) of section  
412 46a-60, as amended by this act, and "employer" shall include the  
413 General Assembly;

414 (16) To require each state agency that employs one or more  
415 employees to (A) provide a minimum of three hours of diversity  
416 training and education [(i) to all supervisory and nonsupervisory  
417 employees, not later than July 1, 2002, with priority for such training to  
418 supervisory employees, and (ii)] to all newly hired supervisory and  
419 nonsupervisory employees, not later than six months after their  
420 assumption of a position with a state agency, with priority for such  
421 training to supervisory employees. Such training and education shall

422 include information concerning the federal and state statutory  
423 provisions concerning discrimination and hate crimes directed at  
424 protected classes and the remedies available to victims of  
425 discrimination and hate crimes, standards for working with and  
426 serving persons from diverse populations and strategies for addressing  
427 differences that may arise from diverse work environments; and (B)  
428 submit an annual report to the [Commission on Human Rights and  
429 Opportunities] commission concerning the status of the diversity  
430 training and education required under subparagraph (A) of this  
431 subdivision. The information in such annual reports shall be reviewed  
432 by the commission for the purpose of submitting an annual summary  
433 report to the General Assembly. [Notwithstanding the provisions of  
434 this section, if a state agency has provided such diversity training and  
435 education to any of its employees prior to October 1, 1999, such state  
436 agency shall not be required to provide such training and education a  
437 second time to such employees.] The requirements of this subdivision  
438 shall be accomplished within available appropriations. As used in this  
439 subdivision, "employee" [shall include] includes any part-time  
440 employee who works more than twenty hours per week;

441 (17) To require each agency to submit information demonstrating its  
442 compliance with subdivision (16) of this section as part of its  
443 affirmative action plan and to receive and investigate complaints  
444 concerning the failure of a state agency to comply with the  
445 requirements of subdivision (16) of this section; and

446 (18) To enter into contracts for and accept grants of private or  
447 federal funds and to accept gifts, donations or bequests, including  
448 donations of service by attorneys and other individuals.

449 Sec. 5. Section 46a-56 of the general statutes is repealed and the  
450 following is substituted in lieu thereof (*Effective July 1, 2013*):

451 (a) The commission shall:

452 (1) Investigate the possibilities of affording equal opportunity of  
453 profitable employment to all persons, with particular reference to job

454 training and placement;

455 (2) Compile facts concerning discrimination in employment,  
456 violations of civil liberties and other related matters;

457 (3) Investigate and proceed in all cases of discriminatory practices as  
458 provided in this chapter and noncompliance with the provisions of  
459 section 4a-60, as amended by this act, [or 4a-60a] or sections 46a-68c to  
460 46a-68f, inclusive;

461 (4) From time to time [, but not less than once a year,] report to the  
462 Governor, [as provided in section 4-60,] making recommendations for  
463 the removal of such injustices as it may find to exist and such other  
464 recommendations as it deems advisable and describing the  
465 investigations, proceedings and hearings it has conducted and their  
466 outcome, the decisions it has rendered and the other work it has  
467 performed;

468 (5) Monitor state contracts to determine whether they are in  
469 compliance with [sections] section 4a-60, as amended by this act, [and  
470 4a-60a,] and those provisions of the general statutes [which] that  
471 prohibit discrimination; and

472 (6) Compile data concerning state contracts with female and  
473 minority business enterprises and submit a report annually to the  
474 General Assembly concerning the employment of such business  
475 enterprises as contractors and subcontractors.

476 (b) The [commission] board of commissioners may, when it is  
477 deemed in the best interests of the state, exempt a contractor or  
478 subcontractor from [the requirements of] complying with any or all of  
479 the provisions of section 4a-60, as amended by this act, [4a-60a,] 46a-  
480 68c, 46a-68d or 46a-68e in any specific contract. Exemptions under [the  
481 provisions of this section] this subsection may include, but not be  
482 limited to, the following: [instances:] (1) [If the] The work is to be or  
483 has been performed outside the state and no recruitment of workers  
484 within [the limits of] the state is involved; (2) [those involving] the



485 contract involves less than a specified [amounts] amount of money or  
486 specified numbers of workers; [(3) to the extent that they involve  
487 subcontracts] or (3) the subcontract falls below a specified tier. The  
488 [commission] board of commissioners may also exempt facilities of a  
489 contractor [which] that are in all respects separate and distinct from  
490 activities of the contractor related to the performance of the contract,  
491 provided such an exemption shall not interfere with or impede [the  
492 effectuation of the purposes of] compliance with this section and  
493 sections 4a-60, as amended by this act, [4a-60a,] 4a-60g, as amended by  
494 this act, 4a-62 and 46a-68b to 46a-68k, inclusive, as amended by this  
495 act.

496 (c) If the commission determines through its monitoring and  
497 compliance procedures that a contractor or subcontractor is not  
498 complying with antidiscrimination statutes or contract provisions  
499 required under section 4a-60, as amended by this act, or [4a-60a or the  
500 provisions of] sections 46a-68c to 46a-68f, inclusive, the commission  
501 may issue a complaint pursuant to subsection (c) of section 46a-82, as  
502 amended by this act. Such complaint shall be scheduled for a hearing  
503 before a [hearing officer or human rights] referee appointed to act as a  
504 presiding officer. Such hearing shall be held in accordance with  
505 chapter 54 and section 46a-84, as amended by this act. If, after such  
506 hearing, the presiding officer makes a finding of noncompliance with  
507 antidiscrimination statutes or contract provisions required under  
508 section 4a-60, as amended by this act, or [4a-60a or the provisions of]  
509 sections 46a-68c to 46a-68f, inclusive, the presiding officer shall order  
510 such relief as is necessary to achieve full compliance with any  
511 antidiscrimination statute and required contract provisions. The  
512 presiding officer may: (1) Order the state to retain the two per cent of  
513 the total contract price per month on any existing contract with such  
514 contractor that the state withheld pursuant to section 46a-68d and  
515 transfer the funds to the State Treasurer for deposit in the special fund  
516 described in subsection (e) of this section; (2) prohibit the contractor  
517 from participation in any further contracts with state agencies until:  
518 (A) The expiration of a period of two years from the date of the finding  
519 of noncompliance, or (B) the presiding officer determines that the

520 contractor has adopted policies consistent with such statutes, provided  
521 the presiding officer shall make such determination within forty-five  
522 days of such finding of noncompliance; (3) publish, or cause to be  
523 published, the names of contractors or unions that the presiding officer  
524 has found to be in noncompliance with such provisions; (4) notify the  
525 Attorney General that, in cases in which there is substantial [or  
526 material] violation or the threat of substantial [or material] violation of  
527 [the contractual provisions set forth in] section 4a-60, as amended by  
528 this act, [or 4a-60a,] appropriate proceedings should be brought to  
529 enforce such provisions, including the enjoining [, within the  
530 limitations of applicable law,] of organizations, individuals or groups  
531 [who] that prevent [directly or indirectly,] or seek to prevent [directly  
532 or indirectly,] compliance with [the provisions of] section 4a-60, as  
533 amended by this act; [or 4a-60a;] (5) recommend to the Equal  
534 Employment Opportunity Commission or the Department of Justice  
535 that appropriate proceedings be instituted under Title VII of the Civil  
536 Rights Act of 1964, or related laws, when necessary; (6) recommend to  
537 the appropriate prosecuting authority that criminal proceedings be  
538 brought for the furnishing of false information to any contracting  
539 agency or to the commission; [as the case may be;] (7) order the  
540 contractor to bring itself into compliance with antidiscrimination  
541 statutes or contract provisions required under section 4a-60, as  
542 amended by this act, [or 4a-60a] or sections 46a-68c to 46a-68f,  
543 inclusive, within a period of thirty days or, for good cause shown,  
544 within an additional period of thirty days, and, if such contractor fails  
545 to bring itself into such compliance within such time period and such  
546 noncompliance is substantial [or material] or there is a pattern of  
547 noncompliance, recommend to the contracting agency that such  
548 agency declare the contractor to be in breach of the contract and that  
549 such agency pursue all available remedies; [or] (8) order the  
550 contracting agency to refrain from entering into further contracts, or  
551 extensions or other modifications of existing contracts, with any  
552 noncomplying contractor, until such contractor has satisfied the  
553 commission that such contractor has established and will carry out  
554 personnel and employment policies [in compliance] that comply with

555 antidiscrimination statutes and [the provisions of] section 4a-60, as  
556 amended by this act, [or 4a-60a] and sections 46a-68c to 46a-68f,  
557 inclusive; or (9) order two or more such remedies or other relief  
558 designed to achieve full compliance with antidiscrimination statutes  
559 and required contract provisions. The commission shall adopt  
560 regulations, in accordance with chapter 54, to implement the  
561 provisions of this section.

562 (d) If the commission determines, through its monitoring and  
563 compliance procedures, [and after a complaint is filed and a hearing is  
564 held pursuant to subsection (c) of this section,] that, with respect to a  
565 state contract, a contractor, subcontractor, service provider or supplier  
566 of materials has (1) fraudulently qualified as a minority business  
567 enterprise, or (2) performed services or supplied materials on behalf of  
568 another contractor, subcontractor, service provider or supplier of  
569 materials knowing (A) that such other contractor, subcontractor,  
570 service provider or supplier has fraudulently qualified as a minority  
571 business enterprise in order to appear to comply with  
572 antidiscrimination statutes or contract provisions required under  
573 section 4a-60, as amended by this act, [or 4a-60a,] and (B) that such  
574 services or materials are to be used in connection with a contract  
575 entered into pursuant to subsection (b) of section 4a-60g, [the hearing  
576 officer or human rights referee before whom such hearing was held]  
577 the commission may issue a complaint pursuant to subsection (c) of  
578 section 46a-82, as amended by this act. Such complaint shall be  
579 scheduled for a hearing before a referee appointed by the chief referee  
580 to act as a presiding officer. Such hearing shall be held in accordance  
581 with chapter 54 and section 46a-84, as amended by this act. If, after  
582 such hearing, the presiding officer makes a finding that a contractor,  
583 subcontractor, service provider or supplier of materials has violated  
584 this subsection, the presiding officer shall assess a civil penalty of not  
585 more than ten thousand dollars upon such contractor, subcontractor,  
586 service provider or supplier of materials.

587 (e) The Attorney General, upon complaint of the commission, shall  
588 institute a civil action in the superior court for the judicial district of

589 Hartford to recover [such] any penalty assessed pursuant to subsection  
590 (d) of this section. Any penalties recovered pursuant to this subsection  
591 shall be deposited in a special fund and shall be held by the State  
592 Treasurer separate and apart from all other moneys, funds and  
593 accounts. The resources in such fund shall, pursuant to regulations  
594 adopted by the commission in accordance with the provisions of  
595 chapter 54, be used to assist minority business enterprises. [As used in  
596 this section, "minority business enterprise" means any contractor,  
597 subcontractor or supplier of materials fifty-one per cent or more of the  
598 capital stock, if any, or assets of which is owned by a person or  
599 persons: (i) Who are active in the daily affairs of the enterprise; (ii) who  
600 have the power to direct the management and policies of the  
601 enterprise; and (iii) who are members of a minority, as defined in  
602 subsection (a) of section 32-9n.]

603 Sec. 6. Section 46a-57 of the general statutes is repealed and the  
604 following is substituted in lieu thereof (*Effective July 1, 2013*):

605 [(a) (1) The Governor shall appoint three human rights referees for  
606 terms commencing October 1, 1998, and four human rights referees for  
607 terms commencing January 1, 1999. The human rights referees so  
608 appointed shall serve for a term of one year.

609 (2) (A) On and after October 1, 1999, the Governor shall appoint  
610 seven human rights referees with the advice and consent of both  
611 houses of the General Assembly. The Governor shall appoint three  
612 human rights referees to serve for a term of two years commencing  
613 October 1, 1999. The Governor shall appoint four human rights  
614 referees to serve for a term of three years commencing January 1, 2000.  
615 Thereafter, human rights referees shall serve for a term of three years.

616 (B) On and after July 1, 2001, there shall be five human rights  
617 referees. Each of the human rights referees serving on July 1, 2001,  
618 shall complete the term to which such referee was appointed.  
619 Thereafter, human rights referees shall be appointed by the Governor,  
620 with the advice and consent of both houses of the General Assembly,  
621 to serve for a term of three years.

622 (C) On and after July 1, 2004, there shall be seven human rights  
623 referees. Each of the human rights referees serving on July 1, 2004,  
624 shall complete the term to which such referee was appointed and shall  
625 serve until his successor is appointed and qualified. Thereafter, human  
626 rights referees shall be appointed by the Governor, with the advice and  
627 consent of both houses of the General Assembly, to serve for a term of  
628 three years.

629 (D) On and after October 5, 2009, and until July 1, 2011, there shall  
630 be five human rights referees. Each of the human rights referees  
631 serving on October 5, 2009, shall serve until the term to which such  
632 referee was appointed is completed, or until July 1, 2011, whichever is  
633 earlier, and shall serve until a successor is appointed and qualified. In  
634 the case of a vacancy, a successor shall be appointed by the Governor,  
635 with the advice and consent of both houses of the General Assembly,  
636 to serve until July 1, 2011.

637 (E) On and after July 1, 2011, there]

638 (a) (1) There shall be three human rights referees who shall [(i)] (A)  
639 be appointed by the Governor with the advice and consent of both  
640 houses of the General Assembly, and [(ii)] (B) serve for a term of three  
641 years.

642 [(3)] (2) When the General Assembly is not in session, any vacancy  
643 shall be filled pursuant to the provisions of section 4-19. The Governor  
644 may remove any human rights referee for cause.

645 (b) [Human rights referees] Referees shall serve full-time and shall  
646 conduct the settlement negotiations and hearings authorized by the  
647 provisions of this chapter. A [human rights] referee shall have the  
648 powers granted to [hearing officers and] presiding officers by chapter  
649 54 and this chapter. A [human rights] referee shall be an attorney  
650 admitted to the practice of law in this state. Any commissioner of the  
651 Superior Court who is able and willing to hear discriminatory practice  
652 complaints may submit his or her name to the Governor for  
653 consideration for appointment, [as a human rights referee. No human

654 rights] No referee shall appear before the commission or another  
655 [hearing] presiding officer for one year after leaving office.

656 (c) [On or after October 1, 1998, the executive director] The  
657 Governor shall designate one [human rights] referee to serve as [Chief  
658 Human Rights Referee] chief referee for a term of one year. The [Chief  
659 Human Rights Referee] chief referee, in consultation with the executive  
660 director, shall supervise and assign [the human rights referees]  
661 presiding officers to conduct settlement negotiations and hearings on  
662 complaints [, including complaints for which a trial on the merits has  
663 not commenced prior to October 1, 1998,] on a rotating basis. The  
664 commission, in consultation with the executive director and [Chief  
665 Human Rights Referee] chief referee, shall adopt regulations and rules  
666 of practice, in accordance with chapter 54, to ensure consistent  
667 procedures governing contested case proceedings.

668 (d) When serving as a presiding officer as provided in section 46a-  
669 84, as amended by this act, each [human rights] referee [or hearing  
670 officer] shall have the same subpoena powers as are granted to  
671 commissioners by subdivision (9) of section 46a-54, as amended by this  
672 act. Each presiding officer shall also have the power to determine a  
673 reasonable fee to be paid to an expert witness [, including, but not  
674 limited to, any practitioner of the healing arts, as defined in section 20-  
675 1, dentist, registered nurse or licensed practical nurse, as defined in  
676 section 20-87a, and real estate appraiser when any such expert witness  
677 is summoned by the commission to give expert testimony, in person or  
678 by deposition, in any contested case proceeding, pursuant to section  
679 46a-84. Such fee shall be paid to the expert witness in lieu of all other  
680 witness fees.] called by the commission to give expert testimony in  
681 person or by deposition pursuant to section 46a-84, as amended by this  
682 act. Such fee shall be paid to the expert witness in lieu of all other  
683 witness fees. As used in this subsection, "expert witness" includes, but  
684 is not limited to, any practitioner of the healing arts, as defined in  
685 section 20-1, dentist licensed under chapter 379, registered nurse or  
686 licensed practical nurse licensed under chapter 378, and real estate  
687 appraiser licensed under chapter 400g.

688 Sec. 7. Section 46a-58 of the general statutes is repealed and the  
689 following is substituted in lieu thereof (*Effective July 1, 2013*):

690 (a) It shall be a discriminatory practice in violation of this section for  
691 any person to subject, or cause to be subjected, any other person to the  
692 deprivation of any rights, privileges or immunities, secured or  
693 protected by the Constitution or laws of this state or of the United  
694 States, [on account] because of [religion, national origin, alienage,  
695 color,] race, color, religion, age, sex, gender identity or expression,  
696 sexual orientation, [blindness] marital status, national origin, ancestry,  
697 mental disability, intellectual disability, learning disability or physical  
698 disability.

699 (b) Any person who intentionally desecrates any public property,  
700 monument or structure, or any religious object, symbol or house of  
701 religious worship, or any cemetery, or any private structure not owned  
702 by such person, shall be in violation of subsection (a) of this section.  
703 For the purposes of this subsection, "desecrate" means to mar, deface  
704 or damage as a demonstration of irreverence or contempt.

705 (c) Any person who places a burning cross or a simulation thereof  
706 on any public property, or on any private property without the written  
707 consent of the owner, shall be in violation of subsection (a) of this  
708 section.

709 (d) Any person who places a noose or a simulation thereof on any  
710 public property, or on any private property without the written  
711 consent of the owner, and with intent to intimidate or harass any other  
712 person [on account] because of [religion, national origin, alienage,  
713 color,] race, color, religion, age, sex, gender identity or expression,  
714 sexual orientation, [blindness] marital status, national origin, ancestry,  
715 mental disability, intellectual disability, learning disability or physical  
716 disability, shall be in violation of subsection (a) of this section.

717 (e) Any person who violates any provision of this section shall be  
718 guilty of a class A misdemeanor, except that if property is damaged as  
719 a consequence of such violation in an amount in excess of one

720 thousand dollars, such person shall be guilty of a class D felony.

721 Sec. 8. Subsection (a) of section 46a-59 of the general statutes is  
722 repealed and the following is substituted in lieu thereof (*Effective July*  
723 *1, 2013*):

724 (a) It shall be a discriminatory practice in violation of this section for  
725 any association, board or other organization the principal purpose of  
726 which is the furtherance of the professional, trade or occupational  
727 interests of its members, [whose] if the profession, trade or occupation  
728 requires a state license, to refuse to accept a person as a member of  
729 such association, board or organization because of [his] race, [national  
730 origin, creed] color, religion, age, sex, gender identity or expression,  
731 [or color] sexual orientation, marital status, national origin, ancestry,  
732 mental disability, intellectual disability, learning disability or physical  
733 disability.

734 Sec. 9. (NEW) (*Effective July 1, 2013*) It shall be a discriminatory  
735 practice in violation of this section:

736 (1) For any entity to retaliate or otherwise discriminate against any  
737 person because such person has opposed any discriminatory practice  
738 or because such person has filed a complaint, testified or assisted in  
739 any proceeding under chapter 814c of the general statutes; or

740 (2) For any person to aid, abet, incite, compel or coerce the doing of  
741 any act declared to be a discriminatory practice or to attempt to aid,  
742 abet, incite, compel or coerce the doing of any such act.

743 Sec. 10. Subsection (a) of section 46a-60 of the general statutes is  
744 repealed and the following is substituted in lieu thereof (*Effective July*  
745 *1, 2013*):

746 (a) It shall be a discriminatory practice in violation of this section:

747 (1) For an employer, by the employer or the employer's agent,  
748 except in the case of a bona fide occupational qualification or need, to  
749 refuse to hire or employ or to bar or to discharge from employment



750 any individual or to discriminate against such individual in  
751 compensation or in terms, conditions or privileges of employment  
752 because of the individual's race, color, [religious creed] religion, age,  
753 sex, gender identity or expression, sexual orientation, marital status,  
754 national origin, ancestry, [present or past history of] mental disability,  
755 intellectual disability, learning disability or physical disability; [,  
756 including, but not limited to, blindness;]

757 (2) For any employment agency, except in the case of a bona fide  
758 occupational qualification or need, to fail or refuse to classify properly  
759 or refer for employment or otherwise to discriminate against any  
760 individual because of such individual's race, color, [religious creed]  
761 religion, age, sex, gender identity or expression, sexual orientation,  
762 marital status, national origin, ancestry, [present or past history of]  
763 mental disability, intellectual disability, learning disability or physical  
764 disability; [, including, but not limited to, blindness;]

765 (3) For a labor organization, [because of the race, color, religious  
766 creed, age, sex, gender identity or expression, marital status, national  
767 origin, ancestry, present or past history of mental disability,  
768 intellectual disability, learning disability or physical disability,  
769 including, but not limited to, blindness of any individual] except in the  
770 case of a bona fide occupational qualification or need, to exclude from  
771 full membership rights or to expel from its membership [such] any  
772 individual or to discriminate in any way against any of its members or  
773 against any employer or any individual employed by an employer [,  
774 unless such action is based on a bona fide occupational qualification]  
775 because of such individual's race, color, religion, age, sex, gender  
776 identity or expression, sexual orientation, marital status, national  
777 origin, ancestry, mental disability, intellectual disability, learning  
778 disability or physical disability;

779 [(4) For any person, employer, labor organization or employment  
780 agency to discharge, expel or otherwise discriminate against any  
781 person because such person has opposed any discriminatory  
782 employment practice or because such person has filed a complaint or

783 testified or assisted in any proceeding under section 46a-82, 46a-83 or  
784 46a-84;

785 (5) For any person, whether an employer or an employee or not, to  
786 aid, abet, incite, compel or coerce the doing of any act declared to be a  
787 discriminatory employment practice or to attempt to do so;]

788 [(6)] (4) For any person, employer, employment agency or labor  
789 organization, except in the case of a bona fide occupational  
790 qualification or need, to advertise employment opportunities in such a  
791 manner as to restrict such employment so as to discriminate against  
792 individuals because of their race, color, [religious creed] religion, age,  
793 sex, gender identity or expression, sexual orientation, marital status,  
794 national origin, ancestry, [present or past history of] mental disability,  
795 intellectual disability, learning disability or physical disability; [,  
796 including, but not limited to, blindness;]

797 [(7)] (5) For an employer, by the employer or the employer's agent:  
798 (A) To terminate a woman's employment because of her pregnancy;  
799 (B) to refuse to grant to that employee a reasonable leave of absence for  
800 disability resulting from her pregnancy; (C) to deny to that employee,  
801 who is disabled as a result of pregnancy, any compensation to which  
802 she is entitled as a result of the accumulation of disability or leave  
803 benefits accrued pursuant to plans maintained by the employer; (D) to  
804 fail or refuse to reinstate the employee to her original job or to an  
805 equivalent position with equivalent pay and accumulated seniority,  
806 retirement, fringe benefits and other service credits upon her  
807 signifying her intent to return unless, in the case of a private employer,  
808 the employer's circumstances have so changed as to make it impossible  
809 or unreasonable to do so; (E) to fail or refuse to make a reasonable  
810 effort to transfer a pregnant employee to any suitable temporary  
811 position which may be available in any case in which an employee  
812 gives written notice of her pregnancy to her employer and the  
813 employer or pregnant employee reasonably believes that continued  
814 employment in the position held by the pregnant employee may cause  
815 injury to the employee or fetus; (F) to fail or refuse to inform the

816 pregnant employee that a transfer pursuant to subparagraph (E) of this  
817 subdivision may be appealed under the provisions of this chapter; or  
818 (G) to fail or refuse to inform employees of the employer, by any  
819 reasonable means, that they must give written notice of their  
820 pregnancy [in order] to be eligible for transfer to a temporary position;

821       [(8)] (6) For an employer, by the employer or the employer's agent,  
822 for an employment agency, by itself or its agent, or for any labor  
823 organization, by itself or its agent, to harass or to permit the sexual  
824 harassment of any employee, person seeking employment or member  
825 [on the basis] because of sex, sexual orientation or gender identity or  
826 expression. "Sexual harassment" shall, for the purposes of this section,  
827 be defined as any unwelcome sexual advances or requests for sexual  
828 favors or any conduct of a sexual nature when (A) submission to such  
829 conduct is made either explicitly or implicitly a term or condition of an  
830 individual's employment, (B) submission to or rejection of such  
831 conduct by an individual is used as the basis for employment decisions  
832 affecting such individual, or (C) such conduct has the purpose or effect  
833 of substantially interfering with an individual's work performance or  
834 creating an intimidating, hostile or offensive working environment;

835       [(9)] (7) For an employer, by the employer or the employer's agent,  
836 for an employment agency, by itself or its agent, or for any labor  
837 organization, by itself or its agent, to request or require information  
838 from an employee, person seeking employment or member relating to  
839 the individual's child-bearing age or plans, pregnancy, function of the  
840 individual's reproductive system, use of birth control methods, or the  
841 individual's familial responsibilities, unless such information is  
842 directly related to a bona fide occupational qualification or need,  
843 provided an employer, through a physician, may request from an  
844 employee any such information which is directly related to workplace  
845 exposure to substances which may cause birth defects or constitute a  
846 hazard to an individual's reproductive system or to a fetus if the  
847 employer first informs the employee of the hazards involved in  
848 exposure to such substances;

849        [(10)] (8) For an employer, by the employer or the employer's agent,  
850 after informing an employee, pursuant to subdivision [(9)] (7) of this  
851 subsection, of a workplace exposure to substances which may cause  
852 birth defects or constitute a hazard to an employee's reproductive  
853 system or to a fetus, to fail or refuse, upon the employee's request, to  
854 take reasonable measures to protect the employee from the exposure  
855 or hazard identified, or to fail or refuse to inform the employee that the  
856 measures taken may be the subject of a complaint filed under the  
857 provisions of this chapter. Nothing in this subdivision is intended to  
858 prohibit an employer from taking reasonable measures to protect an  
859 employee from exposure to such substances. For the purpose of this  
860 subdivision, "reasonable measures" shall be those measures [which]  
861 that are consistent with business necessity and are least disruptive of  
862 the terms and conditions of the employee's employment;

863        [(11)] (9) For an employer, by the employer or the employer's agent,  
864 for an employment agency, by itself or its agent, or for any labor  
865 organization, by itself or its agent: (A) To request or require genetic  
866 information from an employee, person seeking employment or  
867 member, or (B) to discharge, expel or otherwise discriminate against  
868 any person on the basis of genetic information. For the purpose of this  
869 subdivision, "genetic information" means the information about genes,  
870 gene products or inherited characteristics that may derive from an  
871 individual or a family member.

872        Sec. 11. Subsection (a) of section 4a-60 of the general statutes is  
873 repealed and the following is substituted in lieu thereof (*Effective July*  
874 *1, 2013*):

875        (a) Every contract to which the state or any political subdivision of  
876 the state other than a municipality is a party shall contain the  
877 following provisions:

878        (1) The contractor agrees and warrants that in the performance of  
879 the contract such contractor will not discriminate or permit  
880 discrimination against any person or group of persons [on the  
881 grounds] because of race, color, [religious creed] religion, age, [marital

882 status, national origin, ancestry,] sex, gender identity or expression,  
883 [intellectual disability, mental disability] sexual orientation, marital  
884 status, national origin, ancestry, mental disability, intellectual  
885 disability, learning disability or physical disability, [including, but not  
886 limited to, blindness,] unless it is shown by such contractor that such  
887 disability prevents performance of the work involved, in any manner  
888 prohibited by the laws of the United States or of the state of  
889 Connecticut; and the contractor further agrees to take affirmative  
890 action to [insure] ensure that applicants with job-related qualifications  
891 are employed and that employees are treated when employed without  
892 regard to their race, color, [religious creed] religion, age, [marital  
893 status, national origin, ancestry,] sex, gender identity or expression,  
894 [intellectual disability, mental disability] sexual orientation, marital  
895 status, national origin, ancestry, mental disability, intellectual  
896 disability, learning disability or physical disability, [including, but not  
897 limited to, blindness,] unless it is shown by such contractor that such  
898 disability prevents performance of the work involved;

899 (2) The contractor agrees, in all solicitations or advertisements for  
900 employees placed by or on behalf of the contractor, to state that it is an  
901 "affirmative action-equal opportunity employer" in accordance with  
902 regulations adopted by the commission;

903 (3) The contractor agrees to provide each labor union or  
904 representative of workers with which such contractor has a collective  
905 bargaining agreement or other contract or understanding and each  
906 vendor with which such contractor has a contract or understanding, a  
907 notice to be provided by the commission advising the labor union or  
908 workers' representative of the contractor's commitments under this  
909 section, and to post copies of the notice in conspicuous places available  
910 to employees and applicants for employment;

911 (4) The contractor agrees to comply with each provision of this  
912 section and sections 46a-68e and 46a-68f and with each regulation or  
913 relevant order issued by said commission pursuant to sections 46a-56,  
914 as amended by this act, 46a-68e, [and] 46a-68f and 46a-86, as amended

915 by this act; and

916 (5) The contractor agrees to provide the Commission on Human  
917 Rights and Opportunities with such information requested by the  
918 commission, and permit access to pertinent books, records and  
919 accounts, concerning the employment practices and procedures of the  
920 contractor as relate to the provisions of this section and section 46a-56,  
921 as amended by this act.

922 Sec. 12. Subsection (b) of section 4a-60 of the general statutes is  
923 repealed and the following is substituted in lieu thereof (*Effective July*  
924 *1, 2013*):

925 (b) If the contract is a public works contract, the contractor agrees  
926 and warrants that [he] such contractor will make good faith efforts to  
927 employ minority business enterprises as subcontractors and suppliers  
928 of materials on such public works project.

929 Sec. 13. Subdivision (7) of subsection (a) of section 4a-60g of the  
930 general statutes is repealed and the following is substituted in lieu  
931 thereof (*Effective July 1, 2013*):

932 (7) "Individual with a disability" means an individual [(A) having a  
933 physical or mental impairment that substantially limits one or more of  
934 the major life activities of the individual, which mental impairment  
935 may include, but is not limited to, having one or more mental  
936 disorders, as defined in the most recent edition of the American  
937 Psychiatric Association's "Diagnostic and Statistical Manual of Mental  
938 Disorders", or (B) having a record of such an impairment] who has a  
939 mental disability or physical disability, as those terms are defined in  
940 section 46a-51, as amended by this act.

941 Sec. 14. Section 46a-64 of the general statutes is repealed and the  
942 following is substituted in lieu thereof (*Effective July 1, 2013*):

943 (a) It shall be a discriminatory practice in violation of this section: (1)  
944 To deny any person within the jurisdiction of this state full and equal  
945 accommodations in any [place of] public accommodation, resort or

946 amusement because of race, [creed,] color, [national origin, ancestry]  
947 religion, age, sex, gender identity or expression, sexual orientation,  
948 marital status, [age, lawful source of income, intellectual disability]  
949 national origin, ancestry, mental disability, [or] intellectual disability,  
950 learning disability, physical disability [, including, but not limited to,  
951 blindness or deafness of the applicant] or lawful source of income,  
952 subject only to the conditions and limitations established by law and  
953 applicable alike to all persons; (2) to discriminate, segregate or separate  
954 on account of race, [creed,] color, [national origin, ancestry] religion,  
955 age, sex, gender identity or expression, sexual orientation, marital  
956 status, [age, lawful source of income, intellectual disability] national  
957 origin, ancestry, mental disability, intellectual disability, learning  
958 disability, [or] physical disability [, including, but not limited to,  
959 blindness or deafness] or lawful source of income; (3) for a [place of]  
960 public accommodation, resort or amusement to restrict or limit the  
961 right of a mother to breast-feed her child; (4) for a [place of] public  
962 accommodation, resort or amusement to fail or refuse to post a notice,  
963 in a conspicuous place, that any blind, deaf, [or] mobility impaired or  
964 otherwise disabled person, accompanied by [his] a guide dog wearing  
965 a harness or an orange-colored leash and collar, may enter such  
966 premises or facilities; or (5) to deny any blind, deaf, [or] mobility  
967 impaired or otherwise disabled person or any person training a dog as  
968 a guide dog [for a blind person or a dog to assist a deaf or mobility  
969 impaired person,] or an assistance dog accompanied by [his] a guide  
970 dog or assistance dog, full and equal access to any [place of] public  
971 accommodation, resort or amusement. Any blind, deaf, [or] mobility  
972 impaired or otherwise disabled person or any person training a dog as  
973 a guide dog [for a blind person or a dog to assist a deaf or mobility  
974 impaired person] or an assistance dog may keep [his] a guide dog or  
975 assistance dog [with him] at all times in such [place of] public  
976 accommodation, resort or amusement at no extra charge, provided the  
977 dog wears a harness or an orange-colored leash and collar and is in the  
978 direct custody of such person. The blind, deaf, [or] mobility impaired  
979 or otherwise disabled person or person training a dog as a guide dog  
980 [for a blind person or a dog to assist a deaf or mobility impaired

981 person] or an assistance dog shall be liable for any damage done to the  
982 premises or facilities by [his] such dog. For purposes of this  
983 subdivision, "guide dog" or "assistance dog" includes a dog being  
984 trained as a guide dog or assistance dog and ["person training a dog as  
985 a guide dog for a blind person or a dog to assist a deaf or mobility  
986 impaired person"] "person training a dog as a guide dog or an  
987 assistance dog" means a person who is employed by and authorized to  
988 engage in designated training activities by a guide dog organization or  
989 assistance dog organization that complies with the criteria for  
990 membership in a professional association of guide dog or assistance  
991 dog schools and who carries photographic identification indicating  
992 such employment and authorization.

993 (b) (1) The provisions of this section with respect to the prohibition  
994 of [sex] discrimination because of sex shall not apply to (A) the rental  
995 of sleeping accommodations provided by associations and  
996 organizations which rent all such sleeping accommodations on a  
997 temporary or permanent basis for the exclusive use of persons of the  
998 same sex or (B) separate bathrooms or locker rooms based on sex. (2)  
999 The provisions of this section with respect to the prohibition of  
1000 discrimination [on the basis] because of age shall not apply to minors  
1001 or to special discount or other public or private programs to assist  
1002 persons sixty years of age and older. (3) The provisions of this section  
1003 with respect to the prohibition of discrimination [on the basis] because  
1004 of physical disability shall not require any person to modify [his] such  
1005 person's property in any way or provide a higher degree of care for a  
1006 physically disabled person, including, but not limited to blind or deaf  
1007 persons, than for a person not physically disabled, unless otherwise  
1008 required by state or federal law. (4) The provisions of this section with  
1009 respect to the prohibition of discrimination [on the basis of creed]  
1010 because of religion shall not apply to the practice of granting  
1011 preference in admission of residents into a nursing home as defined in  
1012 section 19a-490, if (A) the nursing home is owned, operated by or  
1013 affiliated with a religious organization [,] exempt from taxation for  
1014 federal income tax purposes, and (B) the class of persons granted  
1015 preference in admission is consistent with the religious mission of the



1016 nursing home. (5) The provisions of this section with respect to the  
1017 prohibition of discrimination [on the basis] because of lawful source of  
1018 income shall not prohibit the denial of full and equal accommodations  
1019 solely on the basis of insufficient income.

1020 (c) Any person who violates any provision of this section shall be  
1021 guilty of a class D misdemeanor.

1022 Sec. 15. Section 46a-64c of the general statutes is repealed and the  
1023 following is substituted in lieu thereof (*Effective July 1, 2013*):

1024 (a) It shall be a discriminatory practice in violation of this section:

1025 (1) To refuse to sell or rent after the making of a bona fide offer, or  
1026 to refuse to negotiate for the sale or rental of, or otherwise make  
1027 unavailable or deny, a dwelling to any person because of race, [creed,  
1028 color, national origin, ancestry, sex, gender identity or expression,  
1029 marital status, age] color, religion, age, sex, gender identity or  
1030 expression, sexual orientation, marital status, national origin, ancestry,  
1031 mental disability, intellectual disability, learning disability, physical  
1032 disability, lawful source of income or familial status.

1033 (2) To discriminate against any person in the terms, conditions [,] or  
1034 privileges of sale or rental of a dwelling, or in the provision of services  
1035 or facilities in connection therewith, because of race, [creed, color,  
1036 national origin, ancestry, sex, gender identity or expression, marital  
1037 status, age] color, religion, age, sex, gender identity or expression,  
1038 sexual orientation, marital status, national origin, ancestry, mental  
1039 disability, intellectual disability, learning disability, physical disability,  
1040 lawful source of income or familial status.

1041 (3) To make, print or publish, or cause to be made, printed or  
1042 published any notice, statement [,] or advertisement, with respect to  
1043 the sale or rental of a dwelling, that indicates any preference,  
1044 limitation, or discrimination based on race, [creed, color, national  
1045 origin, ancestry, sex, gender identity or expression, marital status, age,  
1046 lawful source of income, familial status, learning disability or physical

1047 or mental disability] color, religion, age, sex, gender identity or  
1048 expression, sexual orientation, marital status, national origin, ancestry,  
1049 mental disability, intellectual disability, learning disability, physical  
1050 disability, lawful source of income or familial status, or [an] any  
1051 intention to make any such preference, limitation or discrimination.

1052 (4) (A) To represent to any person because of race, [creed, color,  
1053 national origin, ancestry, sex, gender identity or expression, marital  
1054 status, age, lawful source of income, familial status, learning disability  
1055 or physical or mental disability] color, religion, age, sex, gender  
1056 identity or expression, sexual orientation, marital status, national  
1057 origin, ancestry, mental disability, intellectual disability, learning  
1058 disability, physical disability, lawful source of income or familial status  
1059 that any dwelling is not available for inspection, sale or rental when  
1060 such dwelling is in fact so available.

1061 (B) It shall be a violation of this subdivision for any person to  
1062 restrict or attempt to restrict the choices of any buyer or renter to  
1063 purchase or rent a dwelling (i) to an area which is substantially  
1064 populated, even if less than a majority, by persons of the same  
1065 protected class as the buyer or renter, (ii) while such person is  
1066 authorized to offer for sale or rent another dwelling which meets the  
1067 housing criteria as expressed by the buyer or renter to such person,  
1068 and (iii) such other dwelling is in an area which is not substantially  
1069 populated by persons of the same protected class as the buyer or  
1070 renter. As used in this subdivision, "area" means municipality,  
1071 neighborhood or other geographic subdivision which may include an  
1072 apartment or condominium complex; and "protected class" means race,  
1073 [creed, color, national origin, ancestry, sex, gender identity or  
1074 expression, marital status, age, lawful source of income, familial status,  
1075 learning disability or physical or mental disability] color, religion, age,  
1076 sex, gender identity or expression, sexual orientation, marital status,  
1077 national origin, ancestry, mental disability, intellectual disability,  
1078 learning disability, physical disability, lawful source of income or  
1079 familial status.

1080 (5) For profit, to induce or attempt to induce any person to sell or  
1081 rent any dwelling by representations regarding the entry or  
1082 prospective entry into the neighborhood of a person or persons of a  
1083 particular race, [creed, color, national origin, ancestry, sex, gender  
1084 identity or expression, marital status, age, lawful source of income,  
1085 familial status, learning disability or physical or mental disability]  
1086 color, religion, age, sex, gender identity or expression, sexual  
1087 orientation, marital status, national origin, ancestry, mental disability,  
1088 intellectual disability, learning disability, physical disability, lawful  
1089 source of income or familial status.

1090 (6) (A) To discriminate in the sale or rental, or to otherwise make  
1091 unavailable or deny, a dwelling to any buyer or renter because of a  
1092 learning disability, intellectual disability or physical or mental  
1093 disability of: (i) Such buyer or renter; (ii) a person residing in or  
1094 intending to reside in such dwelling after it is so sold, rented, or made  
1095 available; or (iii) any person associated with such buyer or renter.

1096 (B) To discriminate against any person in the terms, conditions or  
1097 privileges of sale or rental of a dwelling, or in the provision of services  
1098 or facilities in connection with such dwelling, because of a learning  
1099 disability, intellectual disability or physical or mental disability of: (i)  
1100 Such person; or (ii) a person residing in or intending to reside in such  
1101 dwelling after it is so sold, rented, or made available; or (iii) any  
1102 person associated with such person.

1103 (C) For purposes of this subdivision, discrimination includes: (i) A  
1104 refusal to permit, at the expense of a person with a learning disability,  
1105 intellectual disability or physical or mental disability, reasonable  
1106 modifications of existing premises occupied or to be occupied by such  
1107 person if such modifications may be necessary to afford such person  
1108 full enjoyment of the premises; except that, in the case of a rental, the  
1109 landlord may, where it is reasonable to do so, condition permission for  
1110 a modification on the renter agreeing to restore the interior of the  
1111 premises to the condition that existed before the modification,  
1112 reasonable wear and tear excepted; (ii) a refusal to make reasonable

1113 accommodations in rules, policies, practices or services, when such  
1114 accommodations may be necessary to afford such person equal  
1115 opportunity to use and enjoy a dwelling; (iii) in connection with the  
1116 design and construction of covered multifamily dwellings for the first  
1117 occupancy after March 13, 1991, a failure to design and construct those  
1118 dwellings in such manner that they comply with the requirements of  
1119 Section 804(f) of the Fair Housing Act or the provisions of the state  
1120 building code as adopted pursuant to the provisions of sections 29-269  
1121 and 29-273, whichever requires greater accommodation. ["Covered  
1122 multifamily dwellings" means buildings consisting of four or more  
1123 units if such buildings have one or more elevators, and ground floor  
1124 units in other buildings consisting of four or more units.]

1125 (7) For any person or other entity engaging in residential real-estate-  
1126 related transactions to discriminate against any person in making  
1127 available such a transaction, or in the terms or conditions of such a  
1128 transaction, because of race, [creed, color, national origin, ancestry, sex,  
1129 gender identity or expression, marital status, age, lawful source of  
1130 income, familial status, learning disability or physical or mental  
1131 disability] color, religion, age, sex, gender identity or expression,  
1132 sexual orientation, marital status, national origin, ancestry, mental  
1133 disability, intellectual disability, learning disability, physical disability,  
1134 lawful source of income or familial status.

1135 (8) To deny any person access to or membership or participation in  
1136 any multiple-listing service, real estate brokers' organization or other  
1137 service, organization [,] or facility relating to the business of selling or  
1138 renting dwellings, or to discriminate against [him] such person in the  
1139 terms or conditions of such access, membership or participation, [on  
1140 account] because of race, [creed, color, national origin, ancestry, sex,  
1141 gender identity or expression, marital status, age, lawful source of  
1142 income, familial status, learning disability or physical or mental  
1143 disability] color, religion, age, sex, gender identity or expression,  
1144 sexual orientation, marital status, national origin, ancestry, mental  
1145 disability, intellectual disability, learning disability, physical disability,  
1146 lawful source of income or familial status.

1147 (9) To coerce, intimidate, threaten [.] or interfere with any person in  
1148 the exercise or enjoyment of, or on account of [his] such person having  
1149 exercised or enjoyed, or on account of [his] such person having aided  
1150 or encouraged any other person in the exercise or enjoyment of, any  
1151 right granted or protected by this section.

1152 (b) (1) The provisions of this section shall not apply to (A) the rental  
1153 of a room or rooms in a single-family dwelling unit, if the owner  
1154 actually maintains and occupies part of such living quarters as [his]  
1155 such owner's residence, or (B) a unit in a dwelling containing living  
1156 quarters occupied or intended to be occupied by no more than two  
1157 families living independently of each other, if the owner actually  
1158 maintains and occupies the other such living quarters as [his] such  
1159 owner's residence. (2) The provisions of this section with respect to the  
1160 prohibition of discrimination [on the basis] because of marital status  
1161 shall not be construed to prohibit the denial of a dwelling to a man or a  
1162 woman who are both unrelated by blood and not married to each  
1163 other. (3) The provisions of this section with respect to the prohibition  
1164 of discrimination [on the basis] because of age shall not apply to  
1165 minors, to special discount or other public or private programs to  
1166 assist persons sixty years of age and older or to housing for older  
1167 persons, [as defined in section 46a-64b,] provided there is no  
1168 discrimination [on the basis] because of age among older persons  
1169 eligible for such housing. (4) The provisions of this section with respect  
1170 to the prohibition of discrimination [on the basis] because of familial  
1171 status shall not apply to housing for older persons [as defined in  
1172 section 46a-64b] or to a unit in a dwelling containing units for no more  
1173 than four families living independently of each other, if the owner of  
1174 such dwelling resides in one of the units. (5) The provisions of this  
1175 section with respect to the prohibition of discrimination [on the basis]  
1176 because of lawful source of income shall not prohibit the denial of full  
1177 and equal accommodations solely on the basis of insufficient income.  
1178 (6) The provisions of this section with respect to the prohibition of  
1179 discrimination [on the basis] because of sex shall not apply to the  
1180 rental of sleeping accommodations to the extent they utilize shared  
1181 bathroom facilities when such sleeping accommodations are provided

1182 by associations and organizations which rent such sleeping  
1183 accommodations on a temporary or permanent basis for the exclusive  
1184 use of persons of the same sex based on considerations of privacy and  
1185 modesty.

1186 (c) Nothing in this section limits the applicability of any reasonable  
1187 state statute or municipal ordinance restricting the maximum number  
1188 of persons permitted to occupy a dwelling.

1189 (d) Nothing in this section [or section 46a-64b] shall be construed to  
1190 invalidate or limit any state statute or municipal ordinance that  
1191 requires dwellings to be designed and constructed in a manner that  
1192 affords persons with physical or mental disabilities greater access than  
1193 is required by this section. [or section 46a-64b.]

1194 (e) Nothing in this section prohibits a person engaged in the  
1195 business of furnishing appraisals of real property [to take] from taking  
1196 into consideration factors other than race, [creed, color, national origin,  
1197 ancestry, sex, gender identity or expression, marital status, age, lawful  
1198 source of income, familial status, learning disability or physical or  
1199 mental disability] color, religion, age, sex, gender identity or  
1200 expression, sexual orientation, marital status, national origin, ancestry,  
1201 mental disability, intellectual disability, learning disability, physical  
1202 disability, lawful source of income or familial status.

1203 (f) Notwithstanding any other provision of this chapter, complaints  
1204 alleging a violation of this section shall be investigated within one  
1205 hundred days of filing and a final administrative disposition shall be  
1206 made within one year of filing unless it is impracticable to do so. If the  
1207 [Commission on Human Rights and Opportunities] commission is  
1208 unable to complete its investigation or make a final administrative  
1209 determination within such time frames, it shall notify the complainant  
1210 and the respondent in writing of the reasons for not doing so.

1211 (g) Any person who violates any provision of this section shall be  
1212 guilty of a class D misdemeanor.

1213 Sec. 16. Subsection (a) of section 46a-66 of the general statutes is  
1214 repealed and the following is substituted in lieu thereof (*Effective July*  
1215 *1, 2013*):

1216 (a) It shall be a discriminatory practice in violation of this section for  
1217 any creditor to discriminate [on the basis] because of [sex, gender  
1218 identity or expression, age,] race, color, [religious creed] religion, age,  
1219 sex, gender identity or expression, sexual orientation, marital status,  
1220 national origin, ancestry, [marital status,] intellectual disability,  
1221 learning disability [, blindness] or physical disability against any  
1222 person eighteen years of age or over in any credit transaction.

1223 Sec. 17. Section 46a-67 of the general statutes is repealed and the  
1224 following is substituted in lieu thereof (*Effective July 1, 2013*):

1225 (a) The Banking Commissioner shall cooperate with the commission  
1226 in its enforcement of sections [46a-65] 46a-66 to 46a-67, inclusive, as  
1227 amended by this act, [46a-81f] and 46a-98, as amended by this act.

1228 (b) The Banking Commissioner shall comply with the commission's  
1229 request for information, reasonable investigatory assistance and the  
1230 promulgation of regulations which may be required for the effective  
1231 administration of sections [46a-65] 46a-66 to 46a-67, inclusive, as  
1232 amended by this act, [46a-81f] and 46a-98, as amended by this act.

1233 Sec. 18. Section 46a-68a of the general statutes is repealed and the  
1234 following is substituted in lieu thereof (*Effective July 1, 2013*):

1235 (a) The [commission] board of commissioners may issue a certificate  
1236 of noncompliance if the affirmative action plan required by section  
1237 46a-68, as amended by this act, is disapproved.

1238 (b) The issuance of a certificate of noncompliance shall bar the  
1239 agency, department, board or commission in noncompliance with  
1240 section 46a-68, as amended by this act, from filling a position or  
1241 position classification by hire or promotion upon receipt of the  
1242 certificate, the provisions of any state law or regulation to the contrary  
1243 notwithstanding, until: (1) The commission and board of

1244 commissioners determines that the agency has achieved compliance  
1245 with section 46a-68, as amended by this act, and withdraws the  
1246 certificate; [or] (2) the commission, at a hearing requested by the  
1247 agency, department, board or commission receiving the certificate and  
1248 conducted by a presiding officer appointed by the [chairperson of the  
1249 commission] chief referee, is unable to show cause why the certificate  
1250 of noncompliance should not be rescinded or a court, upon appeal, so  
1251 determines; or (3) the Commissioner of Administrative Services and  
1252 the Secretary of the Office of Policy and Management certify to the  
1253 commission and the board of commissioners that the agency in  
1254 noncompliance with section 46a-68, as amended by this act, requires  
1255 immediate filling of the vacancy because failure to fill the position or  
1256 position classification will cause an emergency situation to exist  
1257 jeopardizing the public welfare. A separate certificate of exemption  
1258 shall be required for each vacancy in a position or position  
1259 classification with respect to which the Commissioner of  
1260 Administrative Services and the Secretary of the Office of Policy and  
1261 Management certify that an emergency situation exists.

1262 (c) Hearings under this section shall be conducted in accordance  
1263 with sections 4-176e to 4-182, inclusive.

1264 (d) The commission shall adopt regulations in accordance with  
1265 chapter 54 to implement this section.

1266 Sec. 19. Subsection (a) of section 46a-70 of the general statutes is  
1267 repealed and the following is substituted in lieu thereof (*Effective July*  
1268 *1, 2013*):

1269 (a) State officials and supervisory personnel shall recruit, appoint,  
1270 assign, train, evaluate and promote state personnel on the basis of  
1271 merit and qualifications, without regard for race, color, [religious  
1272 creed, sex, gender identity or expression, marital status, age, national  
1273 origin, ancestry, intellectual disability, mental disability, learning  
1274 disability or physical disability, including but not limited to, blindness]  
1275 religion, age, sex, gender identity or expression, sexual orientation,  
1276 marital status, national origin, ancestry, mental disability, intellectual



1277 disability, learning disability or physical disability, unless it is shown  
1278 by such state officials or supervisory personnel that such disability  
1279 prevents performance of the work involved.

1280 Sec. 20. Section 46a-70a of the general statutes is repealed and the  
1281 following is substituted in lieu thereof (*Effective July 1, 2013*):

1282 (a) The Judicial Branch shall develop and implement an equal  
1283 employment opportunities plan pursuant to federal law that commits  
1284 the Judicial Branch to a program of equal employment opportunities in  
1285 all aspects of personnel and administration. The Chief Court  
1286 Administrator shall be responsible for developing, implementing and  
1287 filing the plan with the [Commission on Human Rights and  
1288 Opportunities] commission.

1289 (b) The Judicial Branch shall comply with the provisions of  
1290 subsection (b) of section 46a-68, section 46a-68g, subsections (a), (b)  
1291 and (c) of section 46a-70, as amended by this act, subsections (a), (b)  
1292 and (d) of section 46a-71, as amended by this act, and subsections (a)  
1293 and (c) of section 46a-77, as amended by this act. [, subsections (a), (b)  
1294 and (c) of section 46a-81h and section 46a-81i.]

1295 (c) The Criminal Justice Commission shall comply with the  
1296 provisions of subsections (a) and (b) of section 46a-68, sections 46a-68g,  
1297 46a-70, as amended by this act, and 46a-71, as amended by this act, and  
1298 subsections (a) and (c) of section 46a-77, as amended by this act. [and  
1299 sections 46a-81h and 46a-81i.]

1300 Sec. 21. Subsection (a) of section 46a-71 of the general statutes is  
1301 repealed and the following is substituted in lieu thereof (*Effective July*  
1302 *1, 2013*):

1303 (a) All services of every state agency shall be performed without  
1304 discrimination based upon race, color, [religious creed, sex, gender  
1305 identity or expression, marital status, age, national origin, ancestry,  
1306 intellectual disability, mental disability, learning disability or physical  
1307 disability, including, but not limited to, blindness] religion, age, sex,

1308 gender identity or expression, sexual orientation, marital status,  
1309 national origin, ancestry, mental disability, intellectual disability,  
1310 learning disability or physical disability.

1311 Sec. 22. Subsection (b) of section 46a-72 of the general statutes is  
1312 repealed and the following is substituted in lieu thereof (*Effective July*  
1313 *1, 2013*):

1314 (b) Any job request indicating an intention to exclude any person  
1315 because of race, color, [religious creed, sex, gender identity or  
1316 expression, marital status, age, national origin, ancestry, intellectual  
1317 disability, mental disability, learning disability or physical disability,  
1318 including, but not limited to, blindness] religion, age, sex, gender  
1319 identity or expression, sexual orientation, marital status, national  
1320 origin, ancestry, mental disability, intellectual disability, learning  
1321 disability or physical disability shall be rejected, unless it is shown by  
1322 such public or private [employers] employer that such disability  
1323 prevents performance of the work involved.

1324 Sec. 23. Subsection (a) of section 46a-73 of the general statutes is  
1325 repealed and the following is substituted in lieu thereof (*Effective July*  
1326 *1, 2013*):

1327 (a) No state department, board or agency may grant, deny or revoke  
1328 the license or charter of any person [on the grounds] because of race,  
1329 color, [religious creed, sex, gender identity or expression, marital  
1330 status, age, national origin, ancestry, intellectual disability, mental  
1331 disability, learning disability or physical disability, including, but not  
1332 limited to, blindness] religion, age, sex, gender identity or expression,  
1333 sexual orientation, marital status, national origin, ancestry, mental  
1334 disability, intellectual disability, learning disability or physical  
1335 disability, unless it is shown by such state department, board or  
1336 agency that such disability prevents performance of the work  
1337 involved.

1338 Sec. 24. Subsection (a) of section 46a-75 of the general statutes is  
1339 repealed and the following is substituted in lieu thereof (*Effective July*

1340 1, 2013):

1341 (a) All educational, counseling [.] and vocational guidance  
1342 programs, and all apprenticeship and on-the-job training programs of  
1343 state agencies [.] or in which state agencies participate, shall be open to  
1344 all qualified persons, without regard to race, color, [religious creed,  
1345 sex, gender identity or expression, marital status, age, national origin,  
1346 ancestry, intellectual disability, mental disability, learning disability or  
1347 physical disability, including, but not limited to, blindness] religion,  
1348 age, sex, gender identity or expression, sexual orientation, marital  
1349 status, national origin, ancestry, mental disability, intellectual  
1350 disability, learning disability or physical disability.

1351 Sec. 25. Subsection (a) of section 46a-76 of the general statutes is  
1352 repealed and the following is substituted in lieu thereof (*Effective July*  
1353 *1, 2013*):

1354 (a) Race, color, [religious creed, sex, gender identity or expression,  
1355 marital status, age, national origin, ancestry, intellectual disability,  
1356 mental disability, learning disability or physical disability, including,  
1357 but not limited to, blindness] religion, age, sex, gender identity or  
1358 expression, sexual orientation, marital status, national origin, ancestry,  
1359 mental disability, intellectual disability, learning disability or physical  
1360 disability shall not be considered as limiting factors in state-  
1361 administered programs involving the distribution of funds to qualify  
1362 applicants for benefits authorized by law.

1363 Sec. 26. Subsection (c) of section 46a-77 of the general statutes is  
1364 repealed and the following is substituted in lieu thereof (*Effective July*  
1365 *1, 2013*):

1366 (c) Each state agency shall comply [in all of its services, programs  
1367 and activities] with [the provisions of] the Americans with Disabilities  
1368 Act [(42 USC 12101)] to the [same] extent that it provides rights and  
1369 protections for persons with physical or mental disabilities beyond  
1370 those provided for by the laws of this state.

1371 Sec. 27. Section 46a-81p of the general statutes is repealed and the  
1372 following is substituted in lieu thereof (*Effective July 1, 2013*):

1373 The provisions of [sections 4a-60a] section 4a-60, as amended by this  
1374 act, and [46a-81a to 46a-81o, inclusive,] this chapter concerning the  
1375 prohibition of discrimination because of sexual orientation shall not  
1376 apply to a religious corporation, entity, association, educational  
1377 institution or society with respect to the employment of individuals to  
1378 perform work connected with the carrying on by such corporation,  
1379 entity, association, educational institution or society of its activities, or  
1380 with respect to matters of discipline, faith, internal organization or  
1381 ecclesiastical rule, custom or law which are established by such  
1382 corporation, entity, association, educational institution or society.

1383 Sec. 28. Section 46a-81q of the general statutes is repealed and the  
1384 following is substituted in lieu thereof (*Effective July 1, 2013*):

1385 The provisions of [sections 4a-60a] section 4a-60, as amended by this  
1386 act, and [46a-81a to 46a-81o, inclusive,] this chapter concerning the  
1387 prohibition of discrimination because of sexual orientation shall not  
1388 apply to the conduct and administration of a ROTC program  
1389 established and maintained pursuant to 10 USC Sections 2101 to 2111,  
1390 inclusive, as amended from time to time, and the regulations  
1391 thereunder, at an institution of higher education. For purposes of this  
1392 section, "ROTC" means the Reserve Officers' Training Corps.

1393 Sec. 29. Section 46a-82 of the general statutes is repealed and the  
1394 following is substituted in lieu thereof (*Effective July 1, 2013*):

1395 (a) Any person claiming to be aggrieved by an alleged  
1396 discriminatory practice [, except for an alleged violation of section 4a-  
1397 60g or 46a-68 or the provisions of sections 46a-68c to 46a-68f, inclusive,  
1398 may, by himself or herself or by such person's attorney, make, sign  
1399 and] may file with the commission a complaint in writing under oath,  
1400 [which] except that a complaint alleging a violation of section 46a-64c,  
1401 as amended by this act, need not be filed under oath. The complaint  
1402 shall state the name and address of the person alleged to have

1403 committed the discriminatory practice, [and which shall set forth the  
1404 particulars thereof] any act alleged to be a discriminatory practice and  
1405 [contain] such other information as may be required by the  
1406 commission. After the filing of a complaint, [pursuant to this  
1407 subsection,] the commission shall [serve upon the person claiming to  
1408 be aggrieved] provide the complainant with a notice that: (1)  
1409 Acknowledges receipt of the complaint; and (2) advises of the time  
1410 frames and choice of forums available under this chapter.

1411 (b) The commission legal counsel, whenever [it] the commission  
1412 legal counsel has reason to believe that any person has been engaged  
1413 or is engaged in a discriminatory practice, may issue a complaint,  
1414 except for a violation of subsection (a) of section 46a-80.

1415 (c) The commission legal counsel, whenever [it] the commission  
1416 legal counsel has reason to believe that any contractor or subcontractor  
1417 is not complying with antidiscrimination statutes or contract  
1418 provisions required under section 4a-60, as amended by this act, [4a-  
1419 60a or] 4a-60g, as amended by this act, or [the provisions of] sections  
1420 46a-68c to 46a-68f, inclusive, may issue a complaint.

1421 (d) The commission legal counsel may issue a complaint if: (1) An  
1422 affirmative action plan filed pursuant to section 46a-68, as amended by  
1423 this act, is in violation of any of the provisions of section 4-61u or 4-  
1424 61w, sections 46a-54 to 46a-64, inclusive, as amended by this act,  
1425 section 46a-64c, as amended by this act, or sections 46a-70 to 46a-78,  
1426 inclusive, as amended by this act; or (2) an agency, department, board  
1427 or commission fails to submit an affirmative action plan required  
1428 under section 46a-68, as amended by this act.

1429 (e) Any employer whose employees, or any of them, refuse or  
1430 threaten to refuse to comply with [the provisions of] section 46a-60, as  
1431 amended by this act, [or 46a-81c] may file with the commission a  
1432 written complaint under oath asking for assistance by conciliation or  
1433 other remedial action.

1434 (f) Any complaint filed pursuant to this section must be filed within

1435 one hundred and eighty days after the alleged act of discrimination. [,  
1436 except that any complaint by a person claiming to be aggrieved by a  
1437 violation of subsection (a) of section 46a-80 must be filed within thirty  
1438 days of the alleged act of discrimination.]

1439 Sec. 30. Section 46a-82e of the general statutes is repealed and the  
1440 following is substituted in lieu thereof (*Effective July 1, 2013*):

1441 (a) Notwithstanding the failure of the [Commission on Human  
1442 Rights and Opportunities] commission to comply with the time  
1443 requirements of sections 46a-83, as amended by this act, and 46a-84, as  
1444 amended by this act, [with respect to a complaint before the  
1445 commission,] the jurisdiction of the commission over any [such]  
1446 complaint shall be retained.

1447 (b) The commission shall report annually to the judiciary committee  
1448 of the General Assembly and the Governor: (1) The number of cases in  
1449 the previous fiscal year that exceeded the time frame, including  
1450 authorized extensions, set forth in subsection (e) of section 46a-83, as  
1451 amended by this act; (2) the reasons for the failure to comply with the  
1452 time frame; (3) the number of actions brought pursuant to subsection  
1453 (d) of this section and the results thereof; and (4) the commission's  
1454 recommendations for legislative action, if any, necessary for the  
1455 commission to meet the statutory time frame.

1456 (c) If a complaint has been pending for more than twenty-one  
1457 months from the date of filing and the commission has not issued a  
1458 finding of reasonable cause or no reasonable cause, the executive  
1459 director shall notify the complainant by first class mail, facsimile  
1460 machine, electronic mail or a file transfer protocol site that the  
1461 complainant has the right to request a release of jurisdiction in  
1462 accordance with section 46a-101, as amended by this act. The executive  
1463 director or the executive director's designee shall investigate the cause  
1464 for the delay in issuing a finding. After such investigation, the  
1465 executive director may, given the facts and circumstances of the case,  
1466 schedule a date [certain] for issuance of a finding. [of reasonable cause  
1467 or no reasonable cause.]

1468 (d) (1) If a complaint has been pending for more than two years after  
1469 the date of filing pursuant to section 46a-82, as amended by this act,  
1470 and if the investigator fails to issue a finding of reasonable cause or no  
1471 reasonable cause by the date ordered by the executive director [of the  
1472 commission] pursuant to subsection (c) of this section, the complainant  
1473 or respondent may petition the superior court for the judicial district of  
1474 Hartford for an order requiring the commission to issue a finding [of  
1475 reasonable cause or no reasonable cause] by a specified date. [certain.]  
1476 The petitioner shall submit the petition on forms prescribed by the  
1477 Office of the Chief Court Administrator.

1478 (2) The clerk, upon receipt of the petition and if the clerk finds it to  
1479 be in the proper form, shall fix a date for the hearing and sign the  
1480 notice of hearing. The hearing date shall be no more than thirty days  
1481 after the clerk signs the notice. Service shall be made on the  
1482 commission and all persons named in the discriminatory practice  
1483 complaint at least twenty days prior to the date of hearing by United  
1484 States mail, certified or registered, postage prepaid, return receipt  
1485 requested, without the use of a state marshal or other officer. Service  
1486 on the commission shall be made on the executive director. [of the  
1487 commission or a commission legal counsel.] Within five days of  
1488 service, the petitioner shall file with the court an affidavit stating the  
1489 date and manner in which a copy of the petition was served and attach  
1490 to the affidavit the return receipts indicating delivery of the petition. If  
1491 the return receipts are not available at the time the petitioner files such  
1492 affidavit, such receipts shall be filed with the court immediately after  
1493 the petitioner receives such receipts.

1494 (3) Within ten days after receipt of the petition, any party, including  
1495 the commission, may file an answer. The commission and all persons  
1496 named in the [discriminatory practice complaint] petition shall have  
1497 the right to appear and be heard at the hearing.

1498 (4) If the commission and parties agree on a date, [certain,] the court  
1499 shall order the commission to issue a finding of reasonable cause or no  
1500 reasonable cause by said date. If the allegations of the petition are

1501 contested, the court shall hold a hearing [on the petition] and issue an  
1502 appropriate order. [Hearing of oral argument on the petition] Hearings  
1503 held pursuant to this subdivision shall take precedence over other  
1504 matters in the court, as provided in section 46a-96. The court [shall]  
1505 may award court costs and attorney's fees to the petitioner, provided  
1506 [such party] the petitioner is a "person", as defined in section 4-184a,  
1507 unless the commission shows good cause for not issuing the finding of  
1508 reasonable cause or no reasonable cause [within two years of the date  
1509 of filing or] by the date ordered by the executive director for the  
1510 investigator to issue such finding. [, whichever is later.] An award of  
1511 court costs and attorney's fees shall be subject to the court's discretion,  
1512 but shall not exceed a total of five hundred dollars.

1513 (5) This subsection shall not apply to complaints initiated by the  
1514 commission or to pattern or practice or systemic cases.

1515 Sec. 31. Section 46a-83 of the general statutes is repealed and the  
1516 following is substituted in lieu thereof (*Effective July 1, 2013*):

1517 (a) Within twenty days after the filing of any discriminatory practice  
1518 complaint pursuant to subsection (a) or (b) of section 46a-82, as  
1519 amended by this act, or an amendment to such complaint adding an  
1520 additional respondent, the commission shall provide the respondent  
1521 by first class mail, facsimile machine, electronic mail or a file transfer  
1522 protocol site with the complaint and a notice advising of the  
1523 procedural rights and obligations of a respondent under this chapter.  
1524 The respondent shall file a written answer to the complaint, and a  
1525 response to the commission's request for information, if any, under  
1526 oath with the commission within thirty days of receipt of the  
1527 complaint, provided a respondent may request, and the commission  
1528 may grant, [for good cause shown,] one extension of time of fifteen  
1529 days within which to file an answer to a complaint. The answer to any  
1530 complaint alleging a violation of section 46a-64c, as amended by this  
1531 act, [or 46a-81e] shall be filed within ten days of receipt. Unless  
1532 otherwise proven by the respondent, a complaint sent by first class  
1533 mail shall be deemed to be received two business days after the date of



1534 mailing. Amendments to complaints shall be treated in the same  
1535 manner as complaints under this subsection.

1536 (b) Within ninety days of the filing of the respondent's answer to the  
1537 complaint, the executive director or the executive director's designee  
1538 shall conduct a merit assessment review. The merit assessment review  
1539 shall include the complaint, the respondent's answer and the responses  
1540 to the commission's requests for information, if any, and the  
1541 complainant's comments, if any, to the respondent's answer and  
1542 information responses. If the executive director or the executive  
1543 director's designee determines that the complaint fails to state a claim  
1544 for relief or is frivolous on its face, that the respondent is exempt from  
1545 the provisions of this chapter or that there is no reasonable possibility  
1546 that investigating the complaint will result in a finding of reasonable  
1547 cause, the executive director or the executive director's designee shall  
1548 dismiss the complaint and send notice of dismissal pursuant to section  
1549 46a-86a, as amended by this act. Within fifteen days of the sending of  
1550 the notice of dismissal, the complainant may request a release of  
1551 jurisdiction allowing the complainant to bring a civil action under  
1552 section 46a-100, as amended by this act. If the complainant does not  
1553 request a release of jurisdiction, commission legal counsel shall  
1554 conduct a legal review of any complaint dismissed pursuant to this  
1555 subsection and shall reinstate or deny reinstatement of the complaint  
1556 within sixty days of the sending of the notice of dismissal. The  
1557 executive director or the executive director's designee shall send notice  
1558 of any action taken pursuant to the merit assessment review and the  
1559 legal review conducted pursuant to this subsection in accordance with  
1560 section 46a-86a, as amended by this act. This subsection shall not apply  
1561 to any complaint alleging a violation of section 46a-64c, as amended by  
1562 this act. [or 46a-81e.] The executive director shall report the results of  
1563 the merit assessment reviews made pursuant to this subsection to the  
1564 commission quarterly during each year.

1565 (c) (1) If a complaint is not dismissed after the merit assessment  
1566 review pursuant to subsection (b) of this section or if a complaint is  
1567 reinstated after legal review pursuant to said subsection (b), the

1568 executive director or the executive director's designee shall assign an  
1569 investigator or commission legal counsel to hold a mandatory  
1570 mediation conference within sixty days of sending notice of action  
1571 taken pursuant to the merit assessment review or legal review. [The  
1572 mandatory mediation conference may be scheduled for the same time  
1573 as a fact-finding conference held pursuant to subsection (d) of this  
1574 section.] The mediator may hold additional mediation conferences to  
1575 accommodate settlement discussions.

1576 (2) If the complaint is not resolved after the mandatory mediation  
1577 conference, the complainant, the respondent or the commission may,  
1578 at any time after such conference, request early legal intervention. If a  
1579 request for early legal intervention is made, the executive director or  
1580 the executive director's designee shall determine within ninety days of  
1581 the request whether [(A)] the complaint should be (A) heard pursuant  
1582 to section 46a-84, as amended by this act, (B) [the complaint should be  
1583 processed] investigated pursuant to subsection (d) of this section, [or  
1584 (C) the complainant should be] (C) administratively dismissed, or (D)  
1585 released from the jurisdiction of the commission. In making such  
1586 determination, the executive director or the executive director's  
1587 designee may hold additional proceedings and may utilize and direct  
1588 commission staff. If the executive director or the executive director's  
1589 designee determines that the complaint should be processed pursuant  
1590 to subsection (d) of this section, the executive director or the executive  
1591 director's designee may recommend that the investigator make a  
1592 finding of no reasonable cause. If the executive director or the  
1593 executive director's designee recommends that the investigator make a  
1594 finding of no reasonable cause, the investigator shall make such a  
1595 finding unless the investigator believes the executive director or the  
1596 executive director's designee made a mistake of fact. If the investigator  
1597 intends to make a finding of reasonable cause after the executive  
1598 director or the executive director's designee recommends otherwise,  
1599 the investigator shall consult with the executive director or the  
1600 executive director's designee.

1601 (3) If the complaint is not resolved after the mandatory mediation

1602 conference, the complainant or the respondent may request the  
1603 commission to hold additional mediation conferences.

1604 (4) The commission may dismiss the complaint if (A) a complainant,  
1605 after notice and without good cause, fails to attend a mandatory  
1606 mediation conference; or (B) the respondent has eliminated the  
1607 discriminatory practice complained of, taken steps to prevent a like  
1608 occurrence in the future and offered full relief to the complainant, even  
1609 though the complainant has refused such relief.

1610 (d) If the complaint is not resolved after the mandatory mediation  
1611 conference held pursuant to subsection (c) of this section or the  
1612 executive director determines that the complaint should be processed  
1613 pursuant to this subsection in accordance with subdivision (2) of  
1614 subsection (c) of this section, the executive director or the executive  
1615 director's designee shall assign an investigator to process the  
1616 complaint within fifteen days after [the mandatory] mediation  
1617 [conference] failed or the early legal intervention decision was made,  
1618 as applicable. The investigator may conduct a fact-finding conference,  
1619 a complete investigation, including, but not limited to, individual  
1620 witness interviews, requests for voluntary disclosure of information,  
1621 subpoenas of witnesses or documents, requests for admission of facts,  
1622 interrogatories, site visits or any other lawful means of finding facts, or  
1623 any combination thereof for the purpose of determining if there is  
1624 reasonable cause for believing that a discriminatory practice has been  
1625 or is being committed as alleged in the complaint. [As used in this  
1626 section and section 46a-84, "reasonable cause" means a bona fide belief  
1627 that the material issues of fact are such that a person of ordinary  
1628 caution, prudence and judgment could believe the facts alleged in the  
1629 complaint.] The executive director or the executive director's designee  
1630 may dismiss the complaint if the complainant, after notice [,] and  
1631 without good cause, fails to attend a fact-finding conference.

1632 (e) (1) Before issuing a finding of reasonable cause or no reasonable  
1633 cause, the investigator shall afford each party and each party's  
1634 representative an opportunity to provide written or oral comments on

1635 all evidence in the commission's file, except as otherwise provided by  
1636 federal law or the general statutes. The investigator shall consider such  
1637 comments before making a finding. The investigator shall make a  
1638 finding of reasonable cause or no reasonable cause in writing and shall  
1639 list the factual findings on which it is based not later than one hundred  
1640 ninety days from the date of the merit assessment review, except that  
1641 for good cause shown, the executive director or the executive director's  
1642 designee may grant no more than two extensions of the investigation  
1643 of three months each.

1644 (2) If the investigator makes a finding that there is reasonable cause  
1645 to believe that a violation of section 46a-64c, as amended by this act,  
1646 has occurred, the complainant and the respondent shall have twenty  
1647 days from sending of the reasonable cause finding to elect a civil action  
1648 in lieu of an administrative hearing pursuant to section 46a-84, as  
1649 amended by this act. If either the complainant or the respondent  
1650 requests a civil action, the commission, through the Attorney General  
1651 or a commission legal counsel, shall commence an action pursuant to  
1652 subsection (b) of section 46a-89, as amended by this act, within ninety  
1653 days of receipt of the notice of election. If the Attorney General or a  
1654 commission legal counsel believes that injunctive relief, punitive  
1655 damages or a civil penalty would be appropriate, such relief, damages  
1656 or penalty may also be sought. The jurisdiction of the Superior Court  
1657 in an action brought under this subdivision shall be limited to such  
1658 claims, counterclaims, defenses or the like that could be presented at  
1659 an administrative hearing before the commission, had the complaint  
1660 remained with the commission for disposition. A complainant may  
1661 intervene as a matter of right in a civil action without permission of the  
1662 court or the parties. If the Attorney General or commission legal  
1663 counsel [, as the case may be,] determines that the interests of the state  
1664 will not be adversely affected, the complainant or attorney for the  
1665 complainant shall present all or part of the case in support of the  
1666 complaint. If the Attorney General or a commission legal counsel  
1667 determines that a material mistake of law or fact has been made in the  
1668 finding of reasonable cause, the Attorney General or a commission  
1669 legal counsel may decline to bring a civil action and shall remand the

1670 file to the investigator for further action. The investigator shall  
1671 complete any such action not later than ninety days after receipt of  
1672 such file.

1673 (f) If the investigator issues a finding of no reasonable cause or if the  
1674 complaint is dismissed pursuant to subsection [(d)] (c) of this section,  
1675 the complainant may file a written request for reconsideration with the  
1676 executive director or the executive director's designee, not later than  
1677 fifteen days from the sending of such finding or dismissal. A request  
1678 for reconsideration shall state specifically the reasons why  
1679 reconsideration should be granted. The executive director or the  
1680 executive director's designee shall grant or reject reconsideration  
1681 within ninety days of the sending of such finding or dismissal. The  
1682 executive director or the executive director's designee shall conduct  
1683 such additional proceedings as may be necessary to render a decision  
1684 on the request.

1685 (g) After finding that there is reasonable cause to believe that a  
1686 discriminatory practice has been or is being committed as alleged in  
1687 the complaint, an investigator shall attempt to eliminate the practice  
1688 complained of by conference, conciliation and persuasion within fifty  
1689 days of the finding. The refusal to accept a settlement shall not be  
1690 grounds for dismissal of any complaint.

1691 (h) No commissioner or employee of the commission may disclose,  
1692 except to the parties or their representatives, what has occurred in the  
1693 course of [such endeavors] the commission's processing of a complaint,  
1694 provided the commission may publish the facts in the case and any  
1695 complaint which has been dismissed and the terms of conciliation  
1696 when a complaint has been adjusted. Each party and [his] such party's  
1697 representative shall have the right to inspect and copy documents,  
1698 statements of witnesses and other evidence pertaining to the  
1699 complaint, except as otherwise provided by federal law or the general  
1700 statutes.

1701 (i) In the investigation of any complaint filed pursuant to this  
1702 chapter, the commission legal counsel may issue subpoenas requiring

1703 the production of records and other documents.

1704 (j) The executive director or the executive director's designee may  
1705 enter an order of default against a respondent who (1) after notice, fails  
1706 to answer a complaint in accordance with subsection (a) of this section  
1707 or within such extension of time as may have been granted; (2) fails to  
1708 answer interrogatories issued pursuant to subdivision (11) of section  
1709 46a-54, as amended by this act, or fails to respond to a subpoena issued  
1710 pursuant to subsection (i) of this section or subdivision (9) of section  
1711 46a-54, as amended by this act, provided the executive director or the  
1712 executive director's designee shall consider any timely filed objection;  
1713 (3) after notice and without good cause, fails to attend a fact-finding  
1714 conference; or (4) after notice and without good cause, fails to attend a  
1715 mandatory mediation conference. Upon entry of an order of default,  
1716 the executive director or the executive director's designee shall appoint  
1717 a presiding officer to enter, after notice and hearing, an order  
1718 eliminating the discriminatory practice complained of and making the  
1719 complainant whole. The respondent may make an application to the  
1720 executive director or the executive director's designee seeking relief  
1721 from the default. The commission or the complainant may petition the  
1722 Superior Court for enforcement of any order for relief pursuant to  
1723 section 46a-95, as amended by this act.

1724 Sec. 32. Section 46a-84 of the general statutes is repealed and the  
1725 following is substituted in lieu thereof (*Effective July 1, 2013*):

1726 (a) If the investigator fails to eliminate a discriminatory practice  
1727 complained of pursuant to subsection (a) or (b) of section 46a-82, as  
1728 amended by this act, within fifty days of a finding of reasonable cause,  
1729 the investigator shall, within ten days, certify the complaint and the  
1730 results of the investigation to the executive director of the commission  
1731 and to the Attorney General. The investigator's conclusion that  
1732 conciliation has failed shall be conclusive on the issue.

1733 (b) Upon certification of a complaint filed pursuant to subsection (a)  
1734 or (b) of section 46a-82, as amended by this act, or upon the filing of a  
1735 complaint pursuant to subsection (c) of said section, or upon an early

1736 legal intervention decision made pursuant to subdivision (2) of  
1737 subsection (c) of section 46a-83, as amended by this act, the [Chief  
1738 Human Rights Referee] chief referee shall appoint [, for a complaint  
1739 filed pursuant to said subsection (a) or (b), a hearing officer, hearing  
1740 adjudicator or human rights referee, and for a complaint filed pursuant  
1741 to said subsection (c), a hearing officer or human rights referee,] a  
1742 hearing officer or referee to act as a presiding officer to hear the  
1743 complaint. [or] The chief referee may appoint an individual authorized  
1744 by subsection (e) of this section to conduct settlement negotiations,  
1745 [and shall cause to be issued and served] The chief referee shall serve  
1746 in the name of the commission a [written notice, together with a] copy  
1747 of the complaint, as the same may have been amended, requiring the  
1748 respondent to answer the charges of the complaint [at a hearing before  
1749 the presiding officer or hearing adjudicator at a time and place to be  
1750 specified in the notice] with a written notice requiring the respondent  
1751 to appear at a hearing or settlement conference at the commission's  
1752 office, unless all parties mutually agree to an alternative location, at a  
1753 date and time specified in such notice. A hearing on a complaint filed  
1754 pursuant to subsection (a) or (b) of section 46a-82, as amended by this  
1755 act, shall be commenced by convening a hearing conference not later  
1756 than forty-five days after the certification of the complaint. Such  
1757 hearing shall be a de novo hearing on the merits of the complaint and  
1758 not an appeal of the commission's processing of the complaint prior to  
1759 its certification. A hearing on a complaint filed pursuant to subsection  
1760 (c) of section 46a-82, as amended by this act, shall be commenced by  
1761 convening a hearing conference not later than twenty days after the  
1762 date of notice of such complaint. Hearings shall proceed with  
1763 reasonable dispatch and be concluded in accordance with the  
1764 provisions of section 4-180.

1765 [(c) The place of any hearing may be the office of the commission or  
1766 another place designated by the commission.]

1767 [(d)] (c) The case in support of the complaint shall be presented at  
1768 the hearing by the Attorney General, who shall be counsel for the  
1769 commission, or by a commission legal counsel as provided in section

1770 46a-55. [ , as the case may be.] If the Attorney General or the  
1771 commission legal counsel determines that a material mistake of law or  
1772 fact has been made in the finding of reasonable cause on a complaint  
1773 filed pursuant to subsection (a) or (b) of section 46a-82, as amended by  
1774 this act, the Attorney General or the commission legal counsel may  
1775 withdraw the certification of the complaint and remand the file to the  
1776 investigator for further action. The investigator shall complete any  
1777 required action not later than ninety days after receipt of such file. The  
1778 complainant may be represented by an attorney of the complainant's  
1779 own choice. If the Attorney General or the commission legal counsel [ ,  
1780 as the case may be,] determines that the interests of the state will not  
1781 be adversely affected, the complainant or the attorney for the  
1782 complainant shall present all or part of the case in support of the  
1783 complaint. No commissioner may participate in the deliberations of  
1784 the presiding officer in the case.

1785 [(e)] (d) A [hearing officer, hearing adjudicator, human rights]  
1786 referee or attorney who volunteers service pursuant to subdivision (18)  
1787 of section 46a-54, as amended by this act, may supervise settlement  
1788 endeavors. [ , or, in] In employment discrimination cases only, the  
1789 complainant and respondent, with the permission of the [commission]  
1790 chief referee, may engage in alternate dispute resolution endeavors for  
1791 not more than three months. The cost of such alternate dispute  
1792 resolution endeavors shall be borne by the complainant or the  
1793 respondent, or both, and not by the commission. Any endeavors or  
1794 negotiations for conciliation, settlement or alternate dispute resolution  
1795 shall not be received in evidence.

1796 [(f)] (e) The respondent [may] shall file a written answer to the  
1797 complaint under oath and appear at the hearing in person or  
1798 otherwise, with or without counsel, and submit testimony and be fully  
1799 heard. If the respondent fails to file a written answer prior to the  
1800 hearing within the time limits established by regulation adopted by the  
1801 commission in accordance with chapter 54 or fails to appear at the  
1802 hearing or settlement conference after notice in accordance with  
1803 section 4-177, the presiding officer or [hearing adjudicator] settlement



1804 officer may enter an order of default and order such relief as is  
1805 necessary to eliminate the discriminatory practice and make the  
1806 complainant whole. The commission or the complainant may petition  
1807 the Superior Court for enforcement of any such order for relief  
1808 pursuant to the provisions of section 46a-95, as amended by this act.

1809 [(g)] (f) The presiding officer [or hearing adjudicator] conducting  
1810 any hearing shall permit reasonable amendment to any complaint or  
1811 answer and the testimony taken at the hearing shall be under oath and  
1812 be transcribed at the request of any party.

1813 Sec. 33. Section 46a-86 of the general statutes is repealed and the  
1814 following is substituted in lieu thereof (*Effective July 1, 2013*):

1815 (a) If, upon all the evidence presented at the hearing conducted  
1816 pursuant to section 46a-84, as amended by this act, the presiding  
1817 officer finds that a respondent has engaged in any discriminatory  
1818 practice, the presiding officer shall [state the presiding officer's] make  
1819 written findings of fact and [shall issue and] file with the commission  
1820 and [cause to be served] serve on the respondent an order requiring  
1821 the respondent to (1) cease and desist from the discriminatory practice,  
1822 and [further requiring the respondent to] (2) take such affirmative  
1823 action as [in the judgment of the presiding officer will effectuate] is  
1824 necessary to achieve the purpose of this chapter and to make the  
1825 complainant whole.

1826 (b) In addition to any other action taken under this section, upon a  
1827 finding of a discriminatory employment practice, the presiding officer  
1828 may order the hiring or reinstatement of [employees] any person, with  
1829 or without back pay, or restoration to membership in any respondent  
1830 labor organization. [, provided, liability] Liability for back pay shall  
1831 not accrue from a date more than two years prior to the filing or  
1832 issuance of the complaint. [and, provided further, interim] Interim  
1833 earnings, including unemployment compensation and welfare  
1834 assistance or amounts which could have been earned with reasonable  
1835 diligence on the part of the person to whom back pay is awarded shall  
1836 be deducted from the amount of back pay to which such person is

1837 otherwise entitled. The amount of any [such] deduction for interim  
1838 unemployment compensation or welfare assistance shall be paid by  
1839 the respondent to the commission which shall transfer such amount to  
1840 the appropriate state or local agency.

1841 (c) In addition to any other action taken under this section, upon a  
1842 finding of a discriminatory practice prohibited by section 46a-58, as  
1843 amended by this act, 46a-59, as amended by this act, 46a-64, as  
1844 amended by this act, or 46a-64c, as amended by this act, [46a-81b, 46a-  
1845 81d or 46a-81e,] the presiding officer shall determine the damage  
1846 suffered by the complainant, which damage shall include, but not be  
1847 limited to, the expense incurred by the complainant for obtaining  
1848 alternate housing or space, storage of goods and effects, moving costs  
1849 and other costs actually incurred by the complainant as a result of such  
1850 discriminatory practice and shall allow reasonable attorney's fees and  
1851 costs. The amount of attorney's fees allowed shall not be contingent  
1852 upon the amount of damages requested by or awarded to the  
1853 complainant.

1854 (d) In addition to any other action taken under this section, upon a  
1855 finding of a discriminatory practice prohibited by section 46a-66, as  
1856 amended by this act, [or 46a-81f,] the presiding officer shall [issue and]  
1857 file with the commission and [cause to be served] serve on the  
1858 respondent an order requiring the respondent to pay the complainant  
1859 the damages resulting from the discriminatory practice.

1860 (e) In addition to any other action taken under this section, upon a  
1861 finding of noncompliance with antidiscrimination statutes or contract  
1862 provisions required under section 4a-60, as amended by this act, [or 4a-  
1863 60a] or the provisions of sections 46a-68c to 46a-68f, inclusive, the  
1864 presiding officer shall [issue and] file with the commission and [cause  
1865 to be served] serve on the respondent an order with respect to any  
1866 remedial action imposed [by the presiding officer] pursuant to  
1867 subsection (c) or (d) of section 46a-56, as amended by this act.

1868 (f) If, upon all the evidence and after a complete hearing, the  
1869 presiding officer finds that the respondent has not engaged in any

1870 alleged discriminatory practice, the presiding officer shall [state the  
1871 presiding officer's] make written findings of fact and shall [issue and]  
1872 file with the commission and [cause to be served] serve on the  
1873 respondent an order dismissing the complaint.

1874 (g) Any payment received by a complainant under this chapter or  
1875 under any equivalent federal antidiscrimination law, either as a  
1876 settlement of a claim or as an award made in a judicial or  
1877 administrative proceeding, shall not be considered as income,  
1878 resources or assets for the purpose of determining the eligibility of or  
1879 amount of assistance to be received by such person in the month of  
1880 receipt or the three months following receipt under the state  
1881 supplement program, Medicaid or any other medical assistance  
1882 program, temporary family assistance program, state-administered  
1883 general assistance program, or the temporary assistance for needy  
1884 families program. After such time period, any remaining funds shall  
1885 be subject to state and federal laws governing such programs,  
1886 including, but not limited to, provisions concerning an individual  
1887 development [accounts] account, as defined in section 31-51ww.

1888 Sec. 34. Section 46a-87 of the general statutes is repealed and the  
1889 following is substituted in lieu thereof (*Effective July 1, 2013*):

1890 (a) Contumacy or refusal to obey a subpoena issued pursuant to this  
1891 chapter shall constitute contempt punishable, upon the application of  
1892 the authority issuing such subpoena, by the superior court for the  
1893 judicial district of Hartford, the [Superior Court for the] judicial district  
1894 in which the hearing is held or the investigation is conducted or the  
1895 judicial district in which the witness resides or transacts business. An  
1896 objection that has not been raised before the commission to defeat or  
1897 excuse compliance with the subpoena may not be presented to or  
1898 relied on by the court.

1899 (b) No person may be excused from [attending and] testifying or  
1900 from producing records [, correspondence, documents] or other  
1901 evidence in obedience to a subpoena [,] on the ground that the  
1902 testimony or evidence required of [him] such person may tend to

1903 incriminate [him] such person or subject [him] such person to a  
1904 penalty or forfeiture. [, but no person] No person, after having claimed  
1905 the privilege against self-incrimination, may be prosecuted or  
1906 subjected to any penalty [or forfeiture for or on account of any  
1907 transaction, matter or thing concerning which he is compelled, after  
1908 having claimed his privilege against self-incrimination, to testify or  
1909 produce evidence] for any matter revealed by such testimony or  
1910 production, provided such testimony or production is compelled by  
1911 this section, except that [such person so testifying shall not] no such  
1912 person shall be exempt from prosecution and punishment for perjury  
1913 committed in so testifying. The immunity [herein] provided in this  
1914 subsection shall extend only to natural persons [so] compelled to  
1915 testify or produce records or other evidence.

1916 Sec. 35. Section 46a-88 of the general statutes is repealed and the  
1917 following is substituted in lieu thereof (*Effective July 1, 2013*):

1918 (a) Upon the failure of any person to answer interrogatories issued  
1919 pursuant to subsection (11) of section 46a-54, as amended by this act,  
1920 the commission may file a petition with the interrogatories attached  
1921 with the [Superior Court of] superior court for the judicial district of  
1922 Hartford, the judicial district in which the violation is alleged to have  
1923 occurred or [where] the judicial district in which such person resides  
1924 or transacts business, requesting the court to order that an answer be  
1925 filed.

1926 (b) The commission shall [cause] serve a copy of the petition  
1927 provided for in subsection (a) of this section [to be sent] by registered  
1928 or certified mail to the person from whom such answers are sought or  
1929 [his] such person's legal representative.

1930 (c) The court shall assume jurisdiction over the proceedings  
1931 provided for in this section and [may] shall, after hearing [,] or in the  
1932 absence of objection, enter an order which it deems appropriate. An  
1933 objection that has not been raised before the commission to defeat or  
1934 excuse compliance with the interrogatories may not be presented to or  
1935 relied on by the court.

1936 [(d) The proceedings provided for in this section shall conform to  
1937 the rules of practice of the Superior Court.]

1938 Sec. 36. Section 46a-89 of the general statutes is repealed and the  
1939 following is substituted in lieu thereof (*Effective July 1, 2013*):

1940 (a) (1) Whenever a complaint [is filed with or by the commission]  
1941 filed pursuant to section 46a-82, as amended by this act, [alleging]  
1942 alleges a violation of section 46a-60, as amended by this act, [or 46a-  
1943 81c, and a commissioner believes, upon review and the  
1944 recommendation of the investigator assigned,] and the commission  
1945 believes that equitable relief is required to prevent irreparable harm to  
1946 the complainant, the [commissioner] commission may bring a petition  
1947 [in equity] in the superior court for the judicial district of Hartford, the  
1948 judicial district in which the discriminatory practice [which] that is the  
1949 subject of the complaint occurred or the judicial district in which the  
1950 respondent resides, provided this subdivision shall not apply to  
1951 complaints against employers with less than fifty employees.

1952 (2) The petition shall seek appropriate temporary injunctive relief  
1953 against the respondent pending final disposition of the complaint  
1954 pursuant to the procedures set forth in this chapter. The injunctive  
1955 relief may include an order temporarily restraining the respondent  
1956 from doing any act that would render ineffectual any order a presiding  
1957 officer may render with respect to the complaint.

1958 (3) Upon service on the respondent of notice pursuant to section  
1959 46a-89a, as amended by this act, the respondent shall be temporarily  
1960 restrained from taking any action that would render ineffectual the  
1961 temporary injunctive relief [prayed for] requested in the petition,  
1962 provided nothing in this section shall be construed to prevent the  
1963 respondent from having any employment duties [,] enjoined under  
1964 this section and section 46a-89a, as amended by this act, from being  
1965 carried out by another employee and the notice shall so provide.

1966 (b) (1) Whenever a complaint filed pursuant to section 46a-82, as  
1967 amended by this act, alleges a violation of section 46a-64, as amended

1968 by this act, or 46a-64c, as amended by this act, [46a-81d or 46a-81e, and  
1969 a commissioner] and the commission believes that injunctive relief is  
1970 required or that the imposition of punitive damages or a civil penalty  
1971 would be appropriate, the commission may bring a petition in the  
1972 superior court for the judicial district in [which] that the  
1973 discriminatory practice which is the subject of the complaint occurred  
1974 or the judicial district in which the respondent resides.

1975 (2) The petition shall seek: (A) Appropriate injunctive relief,  
1976 including temporary or permanent orders or decrees restraining and  
1977 enjoining the respondent from selling or renting to anyone other than  
1978 the complainant or otherwise making unavailable to the complainant  
1979 any dwelling or commercial property with respect to which the  
1980 complaint is made, pending the final determination of such complaint  
1981 by the commission or such petition by the court; (B) an award of  
1982 damages based on the remedies available under subsection (c) of  
1983 section 46a-86, as amended by this act; (C) an award of punitive  
1984 damages payable to the complainant, not to exceed fifty thousand  
1985 dollars; (D) a civil penalty payable to the state against the respondent  
1986 to vindicate the public interest: (i) In an amount not exceeding ten  
1987 thousand dollars, if the respondent has not been adjudged to have  
1988 committed any prior discriminatory housing practice; (ii) in an amount  
1989 not exceeding twenty-five thousand dollars, if the respondent has been  
1990 adjudged to have committed one other discriminatory housing  
1991 practice during the five-year period prior to the date of the filing of  
1992 this complaint; and (iii) in an amount not exceeding fifty thousand  
1993 dollars, if the respondent has been adjudged to have committed two or  
1994 more discriminatory housing practices during the seven-year period  
1995 prior to the date of the filing of the complaint; except that if the acts  
1996 constituting the discriminatory housing practice that is the object of the  
1997 complaint are committed by the same natural person who has been  
1998 previously adjudged to have committed acts constituting a  
1999 discriminatory housing practice, then the civil penalties set forth in  
2000 clauses (ii) and (iii) of this subparagraph may be imposed without  
2001 regard to the period of time within which any subsequent  
2002 discriminatory housing practice occurred; or (E) two or more of such

2003 remedies.

2004 (3) Upon service on the respondent of notice pursuant to section  
2005 46a-89a, as amended by this act, the respondent shall be temporarily  
2006 restrained from selling or renting the dwelling or commercial property  
2007 which is the subject of the complaint to anyone other than the  
2008 complainant, or from otherwise making such dwelling or commercial  
2009 property unavailable to the complainant, until the court or judge has  
2010 decided the petition for temporary injunctive relief and the notice shall  
2011 so provide.

2012 Sec. 37. Section 46a-89a of the general statutes is repealed and the  
2013 following is substituted in lieu thereof (*Effective July 1, 2013*):

2014 (a) The [court, or any judge of the court when such court is not  
2015 actually in session,] Superior Court may grant an injunction  
2016 [forthwith] immediately, if the circumstances of the case demand it, or  
2017 the court [or judge] may cause immediate notice of the petition to be  
2018 given to the adverse party [, that he may] to show cause why such  
2019 injunction should not be granted. [; but no] No temporary injunction  
2020 may be granted without notice to the adverse party unless it clearly  
2021 appears from the specific facts shown by affidavit or by verified  
2022 complaint that irreparable loss or damage will result to the  
2023 complainant before the matter can be heard.

2024 (b) The court, [or any judge thereof,] after hearing, shall issue a  
2025 temporary injunction upon a finding that irreparable loss or damage  
2026 will result to the complainant in that (1) there is a substantial  
2027 probability of loss of meaningful relief including but not limited to the  
2028 availability of an employment opportunity or the rental or sale of a  
2029 dwelling or commercial property, or (2) there is a substantial  
2030 probability of interference with the ability of the commission to  
2031 provide meaningful relief as authorized by this chapter.

2032 (c) Upon rendering a decision in favor of the commission on the  
2033 petition for temporary injunctive relief, the court [or judge] shall  
2034 simultaneously enter an order granting temporary injunctive relief and

2035 such other relief as deemed necessary and remand the complaint to the  
2036 commission for further proceedings pursuant to this chapter.

2037 (d) Upon rendering a decision in favor of the respondent on the  
2038 petition for temporary injunctive relief, the court [or judge] shall  
2039 simultaneously enter an order dissolving any injunctive relief, order,  
2040 decree, temporary relief or restraining order [theretofore] previously  
2041 issued [against the respondent in the matter] and remand the matter to  
2042 the commission.

2043 (e) Commencement of proceedings pursuant to section 46a-89, as  
2044 amended by this act, this section or section 46a-90a, as amended by  
2045 this act, shall not bar the commission from processing the complaint  
2046 pursuant to the procedures set forth in this chapter.

2047 Sec. 38. Section 46a-90a of the general statutes is repealed and the  
2048 following is substituted in lieu thereof (*Effective July 1, 2013*):

2049 (a) The [chairperson of the commission] chief referee shall schedule  
2050 a date for a hearing pursuant to section 46a-84, as amended by this act,  
2051 to be held within forty-five days of any temporary injunctive relief or  
2052 restraining order issued pursuant to section 46a-89a, as amended by  
2053 this act. Such temporary injunctive relief or restraining order shall  
2054 remain in effect until the presiding officer renders [his] a decision on  
2055 the complaint. If the commission does not conduct its hearing  
2056 procedure with reasonable [dispatch] speed, the court, on the motion  
2057 of the respondent and for good cause shown, shall remove such  
2058 temporary injunction and assume jurisdiction of all civil proceedings  
2059 arising out of the complaint and shall set the matter for hearing on the  
2060 merits. The presiding officer shall render [his] a decision within twenty  
2061 days after the close of evidence and the filing of briefs.

2062 (b) When the presiding officer finds that the respondent has  
2063 engaged in any discriminatory practice prohibited by section 46a-60, as  
2064 amended by this act, 46a-64, as amended by this act, or 46a-64c, as  
2065 amended by this act, [46a-81c, 46a-81d or 46a-81e] and grants relief on  
2066 the complaint [, which relief requires that such] requiring that a



2067 temporary injunction remain in effect, the commission [chairperson]  
2068 may, through the procedure outlined in subsection (a) of section 46a-  
2069 95, as amended by this act, petition the court which granted the  
2070 original temporary injunction to make the injunction permanent.

2071 (c) Upon issuance of a permanent injunction, the case shall be  
2072 returned to the commission for such further action as is authorized by  
2073 this chapter.

2074 (d) Any temporary injunction issued under [the provisions of]  
2075 section 46a-89a, as amended by this act, shall remain in effect during  
2076 any appeal under section 46a-94a, as amended by this act, or any  
2077 enforcement procedure under section 46a-95, as amended by this act,  
2078 unless removed by the court. [or a judge thereof.]

2079 Sec. 39. Section 46a-94 of the general statutes is repealed and the  
2080 following is substituted in lieu thereof (*Effective July 1, 2013*):

2081 (a) An appeal to the Appellate Court shall lie from any judgment,  
2082 injunctive relief, order or decree entered pursuant to section 46a-89, as  
2083 amended by this act, 46a-89a, as amended by this act, or 46a-90a, as  
2084 amended by this act.

2085 (b) In any appeal to the Appellate Court under [the provisions of]  
2086 this section, any judge of the Appellate Court, on written application,  
2087 after oral hearing: (1) May order a party who has filed a notice of intent  
2088 to appeal either to appeal or withdraw such notice of appeal, and (2)  
2089 may make such orders as will expedite the appeal.

2090 Sec. 40. Section 46a-94a of the general statutes is repealed and the  
2091 following is substituted in lieu thereof (*Effective July 1, 2013*):

2092 (a) The [Commission on Human Rights and Opportunities]  
2093 commission, any respondent or any complainant aggrieved by a final  
2094 order of a presiding officer [or any complainant] may appeal to the  
2095 Superior Court in accordance with section 4-183. Any complainant  
2096 may appeal to the Superior Court in accordance with section 4-183 if  
2097 the complainant is aggrieved by (1) the dismissal of [his] a complaint

2098 [by the commission] for failure to attend a mandatory mediation  
2099 session, as provided in subsection (c) of section 46a-83, as amended by  
2100 this act, (2) a finding of no reasonable cause, as provided in subsection  
2101 (e) of [said] section 46a-83, as amended by this act, or (3) a rejection of  
2102 reconsideration, [of any dismissal] as provided in subsection (f) of  
2103 [said] section 46a-83, as amended by this act. [, may appeal therefrom  
2104 in accordance with section 4-183. The court on appeal shall also have  
2105 jurisdiction to grant to the commission, respondent or complainant  
2106 such temporary relief or restraining order as it deems just and suitable,  
2107 and in like manner to make and enter a decree enforcing or modifying  
2108 and enforcing as so modified or setting aside, in whole or in part, the  
2109 order sought to be reviewed.] The court shall conduct the appeal in  
2110 accordance with section 4-183.

2111 (b) Notwithstanding the provisions of subsection (a) of this section,  
2112 a complainant may not appeal the dismissal of [his] any complaint if  
2113 [he] such complainant has been granted a release pursuant to section  
2114 46a-101, as amended by this act.

2115 (c) The commission on its own motion may, whenever justice so  
2116 requires, reopen any matter previously closed [by the commission] in  
2117 accordance with [the provisions of] this subsection, provided such  
2118 matter has not been appealed to the Superior Court pursuant to  
2119 subsection (a) of this section. [4-183.] Notice of such reopening shall be  
2120 given to all parties. A complainant or respondent may, for good cause  
2121 shown, in the interest of justice, apply in writing for the reopening of a  
2122 previously closed proceeding, provided such application is filed with  
2123 the executive director of the commission within two years of the  
2124 commission's final decision and the complainant has (1) not been  
2125 issued a release of jurisdiction pursuant to section 46a-83a and filed a  
2126 civil action, or (2) requested and received a release of jurisdiction from  
2127 the commission pursuant to section 46a-101, as amended by this act.

2128 (d) The standards for reopening a matter may include, but are not  
2129 limited to: (1) A material mistake of fact or law has occurred; (2) the  
2130 finding is arbitrary or capricious; (3) the finding is clearly erroneous in

2131 view of the reliable, probative and substantial evidence on the whole  
2132 record; and (4) new evidence has been discovered which materially  
2133 affects the merits of the case and which, for good reasons, was not  
2134 presented during the investigation.

2135 Sec. 41. Subsection (a) of section 46a-95 of the general statutes is  
2136 repealed and the following is substituted in lieu thereof (*Effective July*  
2137 *1, 2013*):

2138 (a) The commission, through the Attorney General or a commission  
2139 legal counsel, or the complainant may petition the superior court for  
2140 the judicial district of Hartford, the judicial district [where] in which  
2141 any discriminatory practice occurred or the judicial district in which  
2142 any person charged with a discriminatory practice resides or transacts  
2143 business for the enforcement of any order issued by a presiding officer  
2144 under this chapter and for appropriate temporary relief [of] or a  
2145 restraining order.

2146 Sec. 42. Section 46a-97 of the general statutes is repealed and the  
2147 following is substituted in lieu thereof (*Effective July 1, 2013*):

2148 (a) Any employer, employment agency or labor organization  
2149 [which] that fails to post such notices of statutory provisions as the  
2150 commission may require pursuant to subsection (13), (14) or (15) of  
2151 section 46a-54, as amended by this act, shall be subject to a fine of not  
2152 more than two hundred fifty dollars.

2153 (b) Any person who fails to post such notices of statutory provisions  
2154 as the commission may require pursuant to subsection (14) of section  
2155 46a-54, as amended by this act, shall be fined not more than two  
2156 hundred fifty dollars.

2157 Sec. 43. Section 46a-98 of the general statutes is repealed and the  
2158 following is substituted in lieu thereof (*Effective July 1, 2013*):

2159 (a) In lieu of, but not in addition to, filing a complaint [with the  
2160 Commission on Human Rights and Opportunities] pursuant to section  
2161 46a-82, as amended by this act, any person claiming to be aggrieved by

2162 a violation of section 46a-66, as amended by this act, [or 46a-81f] may  
2163 bring an action under this section against a creditor [, as defined in  
2164 section 46a-65,] in the superior court for the judicial district in which  
2165 such aggrieved person resides or in which the alleged violation took  
2166 place.

2167 (b) Any [such] creditor who fails to comply with any requirement of  
2168 section 46a-66, as amended by this act, [or 46a-81f] or the regulations  
2169 adopted pursuant to section 46a-67, as amended by this act, shall be  
2170 liable to an aggrieved person in an amount equal to the sum of any  
2171 actual damages sustained by such person.

2172 (c) Any [such] creditor who fails to comply with any requirement of  
2173 section 46a-66, as amended by this act, [or 46a-81f] or the regulations  
2174 adopted pursuant to section 46a-67, as amended by this act, shall be  
2175 liable to an aggrieved person for punitive damages in an amount not  
2176 greater than one thousand dollars, as determined by the court, in  
2177 addition to any actual damages provided in subsection (b) of this  
2178 section.

2179 (d) Any [such] creditor who fails to comply with any requirement of  
2180 section 46a-66, as amended by this act, [or 46a-81f] or the regulations  
2181 adopted pursuant to section 46a-67, as amended by this act, may be  
2182 liable for punitive damages in the case of a class action in such amount  
2183 as the court may allow, provided the total recovery of punitive  
2184 damages shall not exceed the lesser of five thousand dollars or one per  
2185 cent of the net worth of the creditor. In determining the amount of  
2186 award in any class action, the court shall consider, among other  
2187 relevant factors, the amount of any actual damages awarded, the  
2188 frequency and persistence of failures of compliance by the creditor, the  
2189 resources of the creditor, the number of persons adversely affected [,]  
2190 and the extent to which the creditor's failure of compliance was  
2191 intentional.

2192 (e) No action may be brought under this section except within one  
2193 year from the date of the occurrence of the violation.

2194 Sec. 44. Section 46a-98a of the general statutes is repealed and the  
2195 following is substituted in lieu thereof (*Effective July 1, 2013*):

2196 Any person claiming to be aggrieved by a violation of section 46a-  
2197 64c, as amended by this act, [or 46a-81e] or by a breach of a conciliation  
2198 agreement entered into pursuant to this chapter [,] may bring an action  
2199 in the Superior Court, or the housing session of said court, if  
2200 appropriate, within one year of the date of the alleged discriminatory  
2201 practice or of a breach of a conciliation agreement, [entered into  
2202 pursuant to this chapter.] No action pursuant to this section may be  
2203 brought [in the Superior Court] regarding the alleged discriminatory  
2204 practice after the commission has obtained a conciliation agreement  
2205 pursuant to section 46a-83, as amended by this act, or commenced a  
2206 hearing pursuant to section 46a-84, as amended by this act, except for  
2207 an action to enforce the [conciliation] agreement. The court shall have  
2208 the power to grant relief, by injunction or otherwise, as it deems just  
2209 and suitable. [In addition to the penalties provided for under  
2210 subsection (g) of section 46a-64c or subsection (f) of section 46a-81e,  
2211 the] The court may grant any relief which a presiding officer may grant  
2212 [in a proceeding] under section 46a-86, as amended by this act, or  
2213 which the court may grant in a proceeding under section 46a-89, as  
2214 amended by this act. The commission, through commission legal  
2215 counsel or the Attorney General, may intervene as a matter of right in  
2216 any action brought pursuant to this section without permission of the  
2217 court or the parties.

2218 Sec. 45. Section 46a-99 of the general statutes is repealed and the  
2219 following is substituted in lieu thereof (*Effective July 1, 2013*):

2220 Any person claiming to be aggrieved by a violation of any provision  
2221 of sections 46a-70 to 46a-78, inclusive, as amended by this act, [or  
2222 sections 46a-81h to 46a-81o, inclusive,] may petition the Superior Court  
2223 for appropriate relief and [said] the court shall have the power to grant  
2224 such relief, by injunction or otherwise, as it deems just and suitable.

2225 Sec. 46. Section 46a-100 of the general statutes is repealed and the  
2226 following is substituted in lieu thereof (*Effective July 1, 2013*):

2227 Any person who has [timely] filed a complaint with the  
2228 [Commission on Human Rights and Opportunities] commission in  
2229 accordance with section 46a-82, as amended by this act, and who has  
2230 obtained a release [from the commission] of jurisdiction in accordance  
2231 with section 46a-83a or 46a-101, as amended by this act, may also bring  
2232 an action in the superior court for the judicial district in which the  
2233 discriminatory practice is alleged to have occurred, [or] the judicial  
2234 district in which the respondent transacts business or the judicial  
2235 district in which the complainant resides, except any action involving a  
2236 state agency or official may be brought in the superior court for the  
2237 judicial district of Hartford.

2238 Sec. 47. Section 46a-101 of the general statutes is repealed and the  
2239 following is substituted in lieu thereof (*Effective July 1, 2013*):

2240 (a) No action may be brought in accordance with section 46a-100, as  
2241 amended by this act, unless the complainant has received a release of  
2242 jurisdiction from the commission in accordance with the provisions of  
2243 this section.

2244 (b) The complainant and the respondent [, by themselves or their  
2245 attorneys,] may jointly request that the complainant receive a release  
2246 from the commission at any time from the date of filing the complaint.  
2247 The complainant [or the complainant's attorney] may request a release  
2248 from the commission if the complaint is still pending after the  
2249 expiration of one hundred eighty days from the date of its filing or  
2250 after a merit assessment review in accordance with subsection (b) of  
2251 section 46a-83, as amended by this act, whichever is earlier. The  
2252 executive director or the executive director's designee shall conduct an  
2253 expedited merit assessment review in accordance with subsection (b)  
2254 of section 46a-83, as amended by this act, if the commission receives a  
2255 request for a release of jurisdiction from the complainant [or the  
2256 complainant's attorney] prior to one hundred eighty days from the  
2257 date a complaint is filed.

2258 (c) The executive director [of the commission] or the executive  
2259 director's designee shall grant a release of jurisdiction, allowing the

2260 complainant to bring a civil action, within ten business days after  
2261 receipt of the request for the release, except that if a case is scheduled  
2262 for public hearing, the executive director or the executive director's  
2263 designee may decline to issue a release. The commission may defer  
2264 acting on a request for a release for thirty days if the executive director  
2265 [of the commission, or his] or the executive director's designee [ ]  
2266 certifies that [he has] there is reason to believe that the complaint may  
2267 be resolved within that period.

2268 (d) Upon granting a release, the commission shall dismiss or  
2269 otherwise administratively dispose of the discriminatory practice  
2270 complaint pending with the commission without cost or penalty  
2271 assessed to any party.

2272 (e) Any action brought by the complainant in accordance with  
2273 section 46a-100, as amended by this act, shall be brought within ninety  
2274 days of the receipt of the release from the commission.

2275 Sec. 48. Section 46a-102 of the general statutes is repealed and the  
2276 following is substituted in lieu thereof (*Effective July 1, 2013*):

2277 Any action brought in accordance with section 46a-100, as amended  
2278 by this act, shall be brought within two years of the date of filing of the  
2279 complaint with the commission. [ , except that an action may be  
2280 brought within six months of October 1, 1991, with respect to an  
2281 alleged violation provided a complaint concerning such violation has  
2282 been pending with the commission for more than one year as of  
2283 October 1, 1991, unless the complaint has been scheduled for a  
2284 hearing.]

2285 Sec. 49. Section 46a-103 of the general statutes is repealed and the  
2286 following is substituted in lieu thereof (*Effective July 1, 2013*):

2287 The complainant [or his attorney] shall serve a copy of the  
2288 complaint in an action brought in accordance with section 46a-100, as  
2289 amended by this act, on the executive director of the commission at the  
2290 same time all other parties [in such action] are served. Service on the

2291 commission shall be for the purpose of providing legal notice of the  
2292 action and shall not [thereby] make the commission a necessary party.  
2293 [to the action.] The commission, through its counsel or the Attorney  
2294 General, may intervene as a matter of right in any action brought in  
2295 accordance with section 46a-100, as amended by this act, without  
2296 permission of the court or the parties.

2297 Sec. 50. Section 53-37 of the general statutes is repealed and the  
2298 following is substituted in lieu thereof (*Effective July 1, 2013*):

2299 Any person who, by his or her advertisement, ridicules or holds up  
2300 to contempt any person or class of persons [, on account] because of  
2301 the [creed, religion, color, denomination, nationality or] race, color,  
2302 religion, age, sex, gender identity or expression, sexual orientation,  
2303 marital status, national origin, ancestry, present or past history of  
2304 mental disability, intellectual disability, learning disability or physical  
2305 disability of such person or class of persons, shall be guilty of a class D  
2306 misdemeanor.

2307 Sec. 51. Subsection (b) of section 32-235 of the general statutes is  
2308 repealed and the following is substituted in lieu thereof (*Effective July*  
2309 *1, 2013*):

2310 (b) The proceeds of the sale of said bonds, to the extent of the  
2311 amount stated in subsection (a) of this section, shall be used by the  
2312 Department of Economic and Community Development (1) for the  
2313 purposes of sections 32-220 to 32-234, inclusive, including economic  
2314 cluster-related programs and activities, and for the Connecticut job  
2315 training finance demonstration program pursuant to sections 32-23uu  
2316 and 32-23vv, provided (A) three million dollars shall be used by said  
2317 department solely for the purposes of section 32-23uu and not more  
2318 than five million two hundred fifty thousand dollars of the amount  
2319 stated in said subsection (a) may be used by said department for the  
2320 purposes of section 31-3u, (B) not less than one million dollars shall be  
2321 used for an educational technology grant to the deployment center  
2322 program and the nonprofit business consortium deployment center  
2323 approved pursuant to section 32-41l, (C) not less than two million



dollars shall be used by said department for the establishment of a pilot program to make grants to businesses in designated areas of the state for construction, renovation or improvement of small manufacturing facilities, provided such grants are matched by the business, a municipality or another financing entity. The Commissioner of Economic and Community Development shall designate areas of the state where manufacturing is a substantial part of the local economy and shall make grants under such pilot program which are likely to produce a significant economic development benefit for the designated area, (D) five million dollars may be used by said department for the manufacturing competitiveness grants program, (E) one million dollars shall be used by said department for the purpose of a grant to the Connecticut Center for Advanced Technology, for the purposes of subdivision(5) of subsection (a) of section 32-7f, (F) fifty million dollars shall be used by said department for the purpose of grants to the United States Department of the Navy, the United States Department of Defense or eligible applicants for projects related to the enhancement of infrastructure for long-term, on-going naval operations at the United States Naval Submarine Base-New London, located in Groton, which will increase the military value of said base. Such projects shall not be subject to the provisions of [sections] section 4a-60, as amended by this act, [and 4a-60a,] (G) two million dollars shall be used by said department for the purpose of a grant to the Connecticut Center for Advanced Technology, Inc., for manufacturing initiatives, including aerospace and defense, and (H) four million dollars shall be used by said department for the purpose of a grant to companies adversely impacted by the construction at the Quinnipiac Bridge, where such grant may be used to offset the increase in costs of commercial overland transportation of goods or materials brought to the port of New Haven by ship or vessel, and (2) for the purposes of the small business assistance program established pursuant to section 32-9yy, provided fifteen million dollars shall be deposited in the small business assistance account established pursuant to said section 32-9yy. The provisions of sections 32-220 to 32-234, inclusive, shall not apply to such funds authorized pursuant to

2359 this subdivision.

2360 Sec. 52. Section 45a-726a of the general statutes is repealed and the  
2361 following is substituted in lieu thereof (*Effective July 1, 2013*):

2362 Notwithstanding any provision of [sections 4a-60a and 46a-81a to  
2363 46a-81p, inclusive] section 4a-60, as amended by this act, and chapter  
2364 814c, the Commissioner of Children and Families or a child-placing  
2365 agency may consider the sexual orientation of the prospective adoptive  
2366 or foster parent or parents when placing a child for adoption or in  
2367 foster care. Nothing in this section shall be deemed to require the  
2368 Commissioner of Children and Families or a child-placing agency to  
2369 place a child for adoption or in foster care with a prospective adoptive  
2370 or foster parent or parents who are homosexual or bisexual.

2371 Sec. 53. Section 46a-68b of the general statutes is repealed and the  
2372 following is substituted in lieu thereof (*Effective July 1, 2013*):

2373 As used in this section and sections 4a-60, as amended by this act,  
2374 [4a-60a,] 4a-60g, as amended by this act, 4a-62, 46a-56, as amended by  
2375 this act, and 46a-68c to 46a-68k, inclusive: "Public works contract"  
2376 means any agreement between any individual, firm or corporation and  
2377 the state or any political subdivision of the state other than a  
2378 municipality for construction, rehabilitation, conversion, extension,  
2379 demolition or repair of a public building, highway or other changes or  
2380 improvements in real property, or which is financed in whole or in  
2381 part by the state, including, but not limited to, matching expenditures,  
2382 grants, loans, insurance or guarantees.

2383 Sec. 54. Subsection (b) of section 1-1g of the general statutes is  
2384 repealed and the following is substituted in lieu thereof (*Effective July*  
2385 *1, 2013*):

2386 (b) For the purposes of sections 4a-60, as amended by this act, 4b-28,  
2387 4b-31, 8-2g, 8-3e, 8-119t, 9-159s, 10-91f, 12-81, 17a-210, 17a-210b, 17a-  
2388 215c, 17a-217 to 17a-218a, inclusive, 17a-220, 17a-226 to 17a-227a,  
2389 inclusive, 17a-228, 17a-231 to 17a-233, inclusive, 17a-247 to 17a-247b,

2390 inclusive, 17a-270, 17a-272 to 17a-274, inclusive, 17a-276, 17a-277, 17a-  
2391 281, 17a-282, 17a-580, 17a-593, 17a-594, 17a-596, 17b-226, 19a-638, 45a-  
2392 598, 45a-669, 45a-670, 45a-672, 45a-674, 45a-676, 45a-677, 45a-678, 45a-  
2393 679, 45a-680, 45a-681, 45a-682, 45a-683, 46a-11a to 46a-11g, inclusive,  
2394 46a-51, as amended by this act, 46a-60, as amended by this act, 46a-64,  
2395 as amended by this act, [46a-64b,] 46a-66, as amended by this act, 46a-  
2396 70, as amended by this act, 46a-71, as amended by this act, 46a-72, as  
2397 amended by this act, 46a-73, as amended by this act, 46a-75, as  
2398 amended by this act, 46a-76, as amended by this act, 46b-84, as  
2399 amended by this act, 52-146o, 53a-46a, 53a-59a, 53a-60b, 53a-60c, 53a-  
2400 61a, 53a-181i, 53a-320, 53a-321, 53a-322, 53a-323, 54-56d and 54-250,  
2401 "intellectual disability" has the same meaning as "mental retardation"  
2402 as defined in subsection (a) of this section.

2403       Sec. 55. Subsection (a) of section 17a-210d of the general statutes is  
2404 repealed and the following is substituted in lieu thereof (*Effective July*  
2405 *1, 2013*):

2406       (a) (1) Wherever the words "the mentally retarded" are used in the  
2407 following general statutes, "persons with intellectual disability" or  
2408 "individuals with intellectual disability" shall be substituted in lieu  
2409 thereof; (2) wherever the words "mentally retarded", "mentally  
2410 retarded person" or "mentally retarded persons" are used in the  
2411 following general statutes, the words "intellectual disability", "person  
2412 with intellectual disability" or "persons with intellectual disability"  
2413 shall be substituted in lieu thereof; and (3) wherever the words "mental  
2414 retardation" are used in the following general statutes, the words  
2415 "intellectual disability" shall be substituted in lieu thereof: 4a-60, as  
2416 amended by this act, 4b-31, 8-2g, 8-3e, 9-159s, 10-91f, 17a-593, 17a-594,  
2417 17a-596, 45a-598, 45a-669, 45a-672, 45a-676, 45a-677, 45a-678, 45a-679,  
2418 45a-680, 45a-681, 45a-682, 45a-683, 46a-51, as amended by this act, 46a-  
2419 60, as amended by this act, 46a-64, as amended by this act, [46a-64b,]  
2420 46a-66, as amended by this act, 46a-70, as amended by this act, 46a-71,  
2421 as amended by this act, 46a-72, as amended by this act, 46a-73, as  
2422 amended by this act, 46a-75, as amended by this act, 46a-76, as  
2423 amended by this act, 46b-84, as amended by this act, 52-146o, 53a-46a,

2424 53a-181i and 54-250.

2425 Sec. 56. Subdivision (1) of subsection (a) of section 47a-23c of the  
2426 general statutes is repealed and the following is substituted in lieu  
2427 thereof (*Effective July 1, 2013*):

2428 (a) (1) Except as provided in subdivision (2) of this subsection, this  
2429 section applies to any tenant who resides in a building or complex  
2430 consisting of five or more separate dwelling units or who resides in a  
2431 mobile manufactured home park and who is either: (A) Sixty-two  
2432 years of age or older, or whose spouse, sibling, parent or grandparent  
2433 is sixty-two years of age or older and permanently resides with that  
2434 tenant, or (B) a person with a physical or mental disability, as defined  
2435 in [subdivision (8) of section 46a-64b] section 46a-51, as amended by  
2436 this act, or whose spouse, sibling, child, parent or grandparent is a  
2437 person with a physical or mental disability who permanently resides  
2438 with that tenant, but only if such disability can be expected to result in  
2439 death or to last for a continuous period of at least twelve months.

2440 Sec. 57. Subsection (b) of section 5-248a of the general statutes is  
2441 repealed and the following is substituted in lieu thereof (*Effective July*  
2442 *1, 2013*):

2443 (b) The leave of absence benefits granted by this section shall be in  
2444 addition to any other paid leave benefits and benefits provided under  
2445 subdivision [(7)] (5) of subsection (a) of section 46a-60, as amended by  
2446 this act, which are otherwise available to the employee.

2447 Sec. 58. Section 19a-490s of the general statutes is repealed and the  
2448 following is substituted in lieu thereof (*Effective July 1, 2013*):

2449 Except as provided in this section, a health care employer shall  
2450 report to such employer's local law enforcement agency any act which  
2451 may constitute an assault or related offense, as described in part V of  
2452 chapter 952, against a health care employee acting in the performance  
2453 of his or her duties. A health care employer shall make such report not  
2454 later than twenty-four hours after the occurrence of the act. The health

2455 care employer shall provide the names and addresses of those  
2456 involved with such act to the local law enforcement agency. A health  
2457 care employer shall not be required to report any act which may  
2458 constitute assault or a related offense if the act was committed by a  
2459 person with a disability as described in subdivision [(13), (15) or (20)]  
2460 (30), (36) or (41) of section 46a-51, as amended by this act, whose  
2461 conduct is a clear and direct manifestation of the disability.

2462 Sec. 59. Subsection (c) of section 46b-84 of the general statutes is  
2463 repealed and the following is substituted in lieu thereof (*Effective July*  
2464 *1, 2013*):

2465 (c) The court may make appropriate orders of support of any child  
2466 with intellectual disability, as defined in section 1-1g, [or] a mental  
2467 disability, as defined in subdivision (36) of section 46a-51, as amended  
2468 by this act, or a physical disability, as defined in subdivision [(15)] (41)  
2469 of section 46a-51, as amended by this act, who resides with a parent  
2470 and is principally dependent upon such parent for maintenance until  
2471 such child attains the age of twenty-one. The child support guidelines  
2472 established pursuant to section 46b-215a shall not apply to orders  
2473 entered under this subsection. The provisions of this subsection shall  
2474 apply only in cases where the decree of dissolution of marriage, legal  
2475 separation or annulment is entered on or after October 1, 1997, or  
2476 where the initial support orders in actions not claiming any such  
2477 decree are entered on or after October 1, 1997.

2478 Sec. 60. Subsection (c) of section 53a-167c of the general statutes is  
2479 repealed and the following is substituted in lieu thereof (*Effective July*  
2480 *1, 2013*):

2481 (c) In any prosecution under this section involving assault of a  
2482 health care employee, as defined in section 19a-490q, it shall be a  
2483 defense that the defendant is a person with a disability as described in  
2484 subdivision [(13), (15) or (20)] (30), (36) or (41) of section 46a-51, as  
2485 amended by this act, and the defendant's conduct was a clear and  
2486 direct manifestation of the disability.

2487 Sec. 61. Subsections (c) and (d) of section 46a-68 of the general  
2488 statutes are repealed and the following is substituted in lieu thereof  
2489 (*Effective July 1, 2013*):

2490 (c) Each state agency, department, board and commission that  
2491 employs two hundred fifty or more full-time employees shall file an  
2492 affirmative action plan developed in accordance with subsection (a) of  
2493 this section, with the Commission on Human Rights and  
2494 Opportunities, semiannually, except that any state agency,  
2495 department, board or commission which has an affirmative action plan  
2496 approved by the [commission] board of commissioners may be  
2497 permitted to file its plan on an annual basis in a manner prescribed by  
2498 the [commission] board of commissioners and any state agency,  
2499 department, board or commission that employs twenty-five or more  
2500 employees but fewer than two hundred fifty full-time employees shall  
2501 file its affirmative action plan biennially, unless the [commission]  
2502 board of commissioners disapproves the most recent submission of the  
2503 plan, in which case the [commission] board of commissioners may  
2504 require the resubmission of such plan by a time chosen by the  
2505 [commission] board of commissioners, until the plan is approved. All  
2506 affirmative action plans shall be filed electronically, if practicable.

2507 (d) The [Commission on Human Rights and Opportunities] board of  
2508 commissioners shall review and formally approve, conditionally  
2509 approve or disapprove the content of such affirmative action plans  
2510 within ninety days of the submission of each plan to the commission. If  
2511 the commissioners, by a majority vote of those present and voting, fail  
2512 to approve, conditionally approve or disapprove a plan within such  
2513 period, the plan shall be deemed to be approved. Any plan that is filed  
2514 more than ninety days after the date such plan is due to be filed in  
2515 accordance with the schedule established pursuant to subsection (g) of  
2516 this section shall be deemed disapproved.

2517 Sec. 62. Subsection (g) of section 46a-68 of the general statutes is  
2518 repealed and the following is substituted in lieu thereof (*Effective July*  
2519 *1, 2013*):

2520 (g) The [Commission on Human Rights and Opportunities]  
 2521 commission shall adopt regulations, in accordance with chapter 54, to  
 2522 carry out the requirements of this section. The executive director shall  
 2523 establish a schedule for semiannual, annual and biennial filing of  
 2524 plans.

2525 Sec. 63. Sections 4a-60a, 46a-61, 46a-62, 46a-63, 46a-64b, 46a-65, 46a-  
 2526 81a to 46a-81o, inclusive, and 46a-82a to 46a-82d, inclusive, of the  
 2527 general statutes are repealed. (*Effective July 1, 2013*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	1-1f
Sec. 2	<i>July 1, 2013</i>	46a-51
Sec. 3	<i>July 1, 2013</i>	46a-52
Sec. 4	<i>July 1, 2013</i>	46a-54
Sec. 5	<i>July 1, 2013</i>	46a-56
Sec. 6	<i>July 1, 2013</i>	46a-57
Sec. 7	<i>July 1, 2013</i>	46a-58
Sec. 8	<i>July 1, 2013</i>	46a-59(a)
Sec. 9	<i>July 1, 2013</i>	New section
Sec. 10	<i>July 1, 2013</i>	46a-60(a)
Sec. 11	<i>July 1, 2013</i>	4a-60(a)
Sec. 12	<i>July 1, 2013</i>	4a-60(b)
Sec. 13	<i>July 1, 2013</i>	4a-60g(a)(7)
Sec. 14	<i>July 1, 2013</i>	46a-64
Sec. 15	<i>July 1, 2013</i>	46a-64c
Sec. 16	<i>July 1, 2013</i>	46a-66(a)
Sec. 17	<i>July 1, 2013</i>	46a-67
Sec. 18	<i>July 1, 2013</i>	46a-68a
Sec. 19	<i>July 1, 2013</i>	46a-70(a)
Sec. 20	<i>July 1, 2013</i>	46a-70a
Sec. 21	<i>July 1, 2013</i>	46a-71(a)
Sec. 22	<i>July 1, 2013</i>	46a-72(b)
Sec. 23	<i>July 1, 2013</i>	46a-73(a)
Sec. 24	<i>July 1, 2013</i>	46a-75(a)
Sec. 25	<i>July 1, 2013</i>	46a-76(a)
Sec. 26	<i>July 1, 2013</i>	46a-77(c)
Sec. 27	<i>July 1, 2013</i>	46a-81p

Sec. 28	July 1, 2013	46a-81q
Sec. 29	July 1, 2013	46a-82
Sec. 30	July 1, 2013	46a-82e
Sec. 31	July 1, 2013	46a-83
Sec. 32	July 1, 2013	46a-84
Sec. 33	July 1, 2013	46a-86
Sec. 34	July 1, 2013	46a-87
Sec. 35	July 1, 2013	46a-88
Sec. 36	July 1, 2013	46a-89
Sec. 37	July 1, 2013	46a-89a
Sec. 38	July 1, 2013	46a-90a
Sec. 39	July 1, 2013	46a-94
Sec. 40	July 1, 2013	46a-94a
Sec. 41	July 1, 2013	46a-95(a)
Sec. 42	July 1, 2013	46a-97
Sec. 43	July 1, 2013	46a-98
Sec. 44	July 1, 2013	46a-98a
Sec. 45	July 1, 2013	46a-99
Sec. 46	July 1, 2013	46a-100
Sec. 47	July 1, 2013	46a-101
Sec. 48	July 1, 2013	46a-102
Sec. 49	July 1, 2013	46a-103
Sec. 50	July 1, 2013	53-37
Sec. 51	July 1, 2013	32-235(b)
Sec. 52	July 1, 2013	45a-726a
Sec. 53	July 1, 2013	46a-68b
Sec. 54	July 1, 2013	1-1g(b)
Sec. 55	July 1, 2013	17a-210d(a)
Sec. 56	July 1, 2013	47a-23c(a)(1)
Sec. 57	July 1, 2013	5-248a(b)
Sec. 58	July 1, 2013	19a-490s
Sec. 59	July 1, 2013	46b-84(c)
Sec. 60	July 1, 2013	53a-167c(c)
Sec. 61	July 1, 2013	46a-68(c) and (d)
Sec. 62	July 1, 2013	46a-68(g)
Sec. 63	July 1, 2013	Repealer section

**JUD**      *Joint Favorable Subst.*



The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill, which makes technical and conforming changes to the statutes on human rights and opportunities, has no fiscal impact.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

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**OLR Bill Analysis****sSB 1164*****AN ACT CONCERNING REVISIONS TO STATUTES CONCERNING HUMAN RIGHTS AND OPPORTUNITIES.*****SUMMARY:**

This bill makes numerous changes throughout the Commission on Human Rights and Opportunities (CHRO) statutes and other anti-discrimination laws.

The bill provides that the right to bring a complaint alleging discrimination applies not only to people who claim to have been injured by a discriminatory practice but to those who believe they will be injured by such a practice about to occur. It makes several other changes affecting the process of filing complaints with CHRO, such as expanding the types of violations for which people can file complaints.

It makes certain changes concerning discrimination based on sexual orientation, such as specifically prohibiting harassment on that basis in the workplace. It also prohibits employers from permitting sexual harassment.

The bill makes other changes in anti-discrimination laws. For example, it adds to the class of people protected by various laws, such as those prohibiting deprivation of rights (§ 7) and housing discrimination (§ 15). It apparently removes the prohibition on employment discrimination due to past history of mental disability.

The bill transfers, from CHRO's executive director to the governor, the authority to designate the chief human rights referee. It makes various clarifications and changes regarding the role of CHRO's commissioners and staff.

The bill makes changes in the procedure for CHRO to enforce

compliance with certain anti-discrimination laws and affirmative action requirements for state and public works contractors.

The bill also makes numerous minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2013

### **DISCRIMINATION BASED ON SEXUAL ORIENTATION**

The bill changes the definition of “sexual orientation” for purposes of the anti-discrimination laws and related provisions. The current definition excludes any behavior that constitutes a violation of the sexual offense statutes (including sexual assault, prostitution, and related crimes). The bill eliminates this exclusion (§§ 2, 63). The legal effect of this change is unclear.

Currently, the prohibitions on discrimination based on sexual orientation are codified in separate statutes from other anti-discrimination statutes. The bill repeals these separate sexual orientation statutes and folds their provisions into the other statutes. In doing so, the bill makes the following substantive changes.

The bill adds sexual orientation to the grounds on which employers, employment agencies, labor organizations, or their agents are prohibited from harassing an employee, person seeking employment, or member, respectively. The current grounds include sex and gender identity or expression. The bill also prohibits employers or such other persons noted above from permitting sexual harassment on these grounds (§ 10).

It adds the requirement that state contractors agree to take affirmative action to ensure that applicants with job-related qualifications are employed without regard to their sexual orientation (§ 11).

Currently, the provisions on housing discrimination on the basis of sexual orientation do not apply to (1) renting a room or rooms in a

dwelling if the owner actually maintains and occupies part of the unit as a residence and (2) a unit in a dwelling with not more than four units if the owner actually maintains and occupies one of the other units as a residence. Under the bill, this exception in (1) applies only to single-family dwelling units. The exception in (2) applies only to dwellings that house no more than two families (§ 15).

## **§§ 10, 63 — EMPLOYMENT DISCRIMINATION**

Various provisions in current law prohibit employment discrimination based on someone's "present or past history" of mental disability. The bill eliminates this clause. Thus, it appears to remove the prohibition on discriminating against someone due to past history of mental disability, for people who no longer have such a disability.

The bill repeals a prohibition on using numerical goals, quotas, or other types of affirmative action programs in the administration or enforcement of the employment discrimination statutes in regards to discrimination based on mental disability. Case law prohibits the use of quotas in affirmative action programs.

The bill repeals a provision that provides that no provision of certain CHRO statutes, including those prohibiting employment discrimination, may be construed to void or supersede the provisions of a separate labor statute that forbids discrimination in pay on the basis of sex.

## **§ 14 — PUBLIC ACCOMMODATIONS DISCRIMINATION**

The current statute on discrimination in public accommodations has several references to guide dogs for blind, deaf, or mobility impaired people. The bill adds references to other disabled people in these provisions.

Current law specifies that the provisions on public accommodations discrimination based on physical disability do not require anyone to modify his or her property or provide a higher degree of care for a physically disabled person. The bill provides that this exception applies unless other state laws or federal law would require such

actions. The federal Americans with Disabilities Act generally requires places of public accommodation to be accessible to people with physical disabilities.

## § 15 — HOUSING DISCRIMINATION

The bill makes additions to the class of persons protected by housing discrimination laws. Table 1 below describes such changes. By law, a violation of these provisions is a class D felony.

**Table 1: Addition to Classes Protected by Housing Discrimination Statutes**

<i>Protected classes added</i>	<i>Provisions (the law prohibits these actions when based on a person being a member of the protected class)</i>
Mental, intellectual, learning, or physical disability	<ul style="list-style-type: none"> <li>Refusing to sell or rent after a person makes a bona fide offer, or refusing to negotiate for the sale or rental of a dwelling, or otherwise denying or making a dwelling unavailable</li> <li>Discriminating in the terms, conditions, or privileges of a dwelling's sale or rental, or in the provision of related services or facilities</li> </ul>

## OTHER CHANGES TO DISCRIMINATORY PRACTICES

### §§ 2, 7 — Marital Status

The bill defines “marital status” for purposes of the anti-discrimination statutes. Under the bill, the term refers to being single; married as recognized by the state; widowed; separated; or divorced. Among a number of other new classes, it prohibits the deprivation of rights based on marital status (see below). The law already prohibits various types of discrimination on this basis.

### §§ 2, 13 — Physical and Mental Disability

The bill specifies that all references to physical disability in the anti-discrimination statutes include blindness. It does so by adding blindness to the non-exclusive list of conditions included within the statutory definition of “physical disability.” Currently, many, but not all, anti-discrimination statutes that reference physical disability specifically include blindness.

It also applies the definitions of physical and mental disability in the CHRO statutes to the state set-aside program statute. (The set-aside

program, also referred to as the supplier diversity program, requires state agencies to set aside some contracts for bidding exclusively by small businesses, including some exclusively for bidding by businesses owned by women, racial minority groups, disabled individuals, or nonprofit organizations.)

### **§§ 9-10 — Retaliation or Aiding and Abetting**

Current law prohibits anyone from:

1. discriminating against someone (e.g., firing someone) because he or she opposed a discriminatory employment practice, brought a complaint, or testified or assisted someone else in a complaint proceeding or
2. aiding, abetting, inciting, compelling, or coercing someone to commit a discriminatory employment practice or attempting to do so.

The bill extends these provisions to such actions involving any type of discriminatory practice, not just employment discrimination. It includes retaliation within the prohibition in (1) above. It limits the application of the prohibition under (1) to entities, a term the bill does not define but which may not include individuals.

### **Other Additions to Protected Classes**

The bill makes several other additions to the classes of people protected by various anti-discrimination laws. Table 2 describes such changes. The table also indicates any specific penalties that apply. (Some anti-discrimination laws set out specific penalties in addition to the general remedies available for discriminatory practices through the CHRO complaint process or the courts.)

**Table 2: Addition to Classes Protected by Other Discrimination Statutes**

<b><i>Protected classes added (§)</i></b>	<b><i>Provisions</i></b>
Age, marital status, and mental, intellectual, and learning disability (§ 7)	Prohibits depriving someone of rights, privileges, or immunities secured or protected by Connecticut or federal laws or constitutions, or cause such a deprivation, because of protected status; this includes

	<p>placing noose or simulation of one with intent to intimidate or harass (a violation is a class A misdemeanor, or a class D felony if the violation leads to more than \$1,000 of property damage)</p> <p>This change specifically allows CHRO to enforce federal discrimination laws on these bases, when applicable</p>
Age, marital status, ancestry, and mental, intellectual, learning, and physical disability (§ 8)	Prohibits professional, trade, or occupational organization whose profession, trade, or occupation requires a state license, from denying membership to person because of protected status (penalized by \$100 to \$500 fine)
Learning disability (§ 11)	Sets anti-discrimination requirements for state contracts and contracts with political subdivisions other than municipalities. Under these provisions, the contractor must generally agree (1) that in the performance of the contract it will not discriminate or permit discrimination in any manner prohibited by state or federal law and (2) to take affirmative action to ensure that applicants with job-related qualifications are employed and that employees are not discriminated against.
Learning disability (§ 14)	Prohibits anyone from denying someone, based on his or her protected status, full and equal accommodations in any public establishment, subject to lawful conditions and limitations that apply alike to all people (a violation is a class D misdemeanor)
Age, sex, gender identity or expression, sexual orientation, marital status, present or past history of mental disability, and intellectual, learning, or physical disability (§ 50)	Prohibits using an advertisement to ridicule someone or hold a person or class of people up to contempt (a violation is a class D misdemeanor)

## CHRO

### §§ 3-6, 36-38 — *General Allocation of Responsibility Within CHRO*

By law, CHRO is overseen by nine commissioners, who serve part-time. (Five are appointed by the governor and four by legislative leaders, with the General Assembly's advice and consent.) The bill refers to the commissioners as the board of commissioners. It refers to the commission, unless the context clearly indicates otherwise, as CHRO's professional staff or its executive director or the director's designee lawfully exercising the powers and duties the law vests in the commission. (For this purpose, the discussion below generally refers to "CHRO" or "the commission" interchangeably.)

The bill makes several changes clarifying the role of the commissioners and the commission. For example, it clarifies that the commissioners, and not CHRO staff, appoint and supervise CHRO's

executive director. It requires CHRO to consult with the board of commissioners when exercising its authority to adopt, amend, or rescind regulations.

Among other things, it specifies that CHRO, and not an individual commissioner, has the authority to bring a petition for equitable relief, such as a temporary restraining order, in employment discrimination matters. It also allows such petitions to be made in Hartford Superior Court, even if that is not the district where the respondent resides or where the alleged discrimination occurred.

By law, there are three human rights referees at CHRO, appointed by the governor with the General Assembly's advice and consent. One of them serves as the chief human rights referee. The bill requires the governor, rather than CHRO's executive director, to designate the chief referee. It also refers to "chief referee" rather than "chief human rights referee."

#### **§§ 4, 5 — CHRO Authority and Responsibility**

The bill codifies current practice by specifically referencing a legal division as one of the allowable divisions within CHRO. It broadens the circumstances under which CHRO can accept voluntary or free services, by removing any conditions for accepting such services.

The bill eliminates the requirement for CHRO to annually report certain matters to the governor, instead requiring the reporting but not setting a reporting schedule. These matters include (1) CHRO's recommendations concerning removing injustices and other matters it deems advisable and (2) descriptions of CHRO's work, including its investigations, proceedings, and hearings, their outcomes, and CHRO's decisions. Under both current law and the bill, different provisions require CHRO to annually report certain information to the governor, such as information on cases from the previous year that exceeded statutory time frames and recommendations for necessary legislation for CHRO to meet those time frames (see section 30, CGS § 46a-82e (b)).



**§ 5 — Contract Compliance**

By law, CHRO can issue a discrimination complaint against a contractor or subcontractor if it determines through its monitoring and compliance process that the contractor has not complied with specified anti-discrimination laws and contract provisions in state and public works contracts (e.g., affirmative action requirements). In this situation, if the presiding officer makes a finding of noncompliance after a hearing, he or she can take a range of specified actions. The bill requires the presiding officer to order the relief needed to achieve full compliance with such laws and contract provisions.

The bill also makes changes to some of the existing authority the presiding officer has in regards to such noncompliance. Currently, the officer can order the state to retain 2% of the total contract price per month on any existing contract with the noncomplying contractor. The bill specifies that the 2% refers to the amount the state must withhold until CHRO approves the contractor's affirmative action plan for public works contractors. In the case of noncomplying contractors, the bill also requires this amount to be deposited in the same fund as are penalties collected for certain fraudulent acts related to qualification as a minority business enterprise (see below).

Currently, a presiding officer can notify the attorney general when there is a substantial or material violation or the threat of such a violation of the required anti-discrimination provisions in contracts. The bill allows such notice only for substantial violations or the threat of them. Similarly, the bill only allows the presiding officer to recommend to a contracting agency that the agency declare a contractor to be in breach of contract for substantial violations, not just material violations, still occurring after a specified period of time.

The bill allows the presiding officer to recommend to the Equal Employment Opportunity Commission or the Department of Justice that appropriate proceedings be instituted under related laws to Title VII of the 1964 Civil Rights Act, in addition to Title VII itself, when necessary.

The bill specifies that the presiding officer can order more than one of the range of remedies, or other relief designed to achieve full compliance with anti-discrimination statutes and required contract provisions. It also specifies that the board of commissioners, and not CHRO generally, has the authority, when the board deems it in the state's best interests, to exempt a contractor from complying with certain nondiscrimination and affirmative action requirements related to state and public works contracts. (The bill also clarifies that subcontractors can be exempted in this manner.)

### **§ 5 — *Fraud Related to Qualification as Minority Business Enterprise***

Currently, CHRO can assess a civil penalty of up to \$10,000 if it determines through its complaint procedure and following a hearing that a contractor, subcontractor, or supplier has (1) fraudulently qualified as a minority business enterprise or (2) performed services or supplied material on behalf of another contractor, subcontractor, or supplier, knowing it has fraudulently qualified and that the supplies or material will be used for a set-aside contract.

The bill extends these provisions to service providers. It also allows CHRO to issue such a complaint if it discovers such a violation through its monitoring and compliance process, instead of through its complaint process. As under current law, a penalty can be assessed only after a hearing.

### **§ 6 — *Expert Witnesses***

By law, presiding officers at CHRO hearings have the authority to determine reasonable fees to be paid to expert witnesses. Unlike current law, the bill requires a dentist, registered nurse, or real estate appraiser to be licensed in Connecticut to qualify as an expert witness.

### **§§ 18, 61-62 — *Affirmative Action Plans***

The bill specifies that the board of commissioners, rather than CHRO generally, (1) approves affirmative action plans submitted by state agencies, departments, boards, and commissions and (2) issues

certificates of noncompliance if the board disapproves such a plan. By law, this certificate bars the state entity from hiring or promoting someone to fill a position unless certain determinations are made.

The bill makes other changes clarifying that the board of commissioners, as well as CHRO staff, have a role following the issuance of such a certificate. It also provides that the chief referee, rather than the commission chairperson, appoints a presiding officer if the state entity requests a hearing to challenge the certificate.

### **DISCRIMINATORY PRACTICE COMPLAINT PROCEDURE**

The bill allows someone to bring a complaint with CHRO even if the person has not yet been injured by a discriminatory practice, if the person believes he or she will be injured by such a practice about to occur (§ 2). It is unclear how imminent the alleged discriminatory practice must be.

The bill makes several changes to the process of filing complaints with CHRO for alleged discriminatory practices.

### **§ 29 — General Provisions**

Current law generally allows people claiming to be aggrieved by alleged discriminatory practices to file complaints with CHRO. But complaints alleging certain violations can only be initiated by CHRO itself and not someone claiming to be aggrieved. These include violations of the state set-aside program, affirmative action plans by state entities, and affirmative action plans and related requirements for public works contractors. The bill allows people aggrieved by alleged violations of these provisions to also file complaints directly.

The bill exempts complaints alleging housing discrimination from the general requirement that CHRO complaints be filed under oath.

Current law allows the commission itself to issue complaints in various circumstances. The bill specifies that CHRO's legal counsel has this authority. By law, CHRO may employ attorneys licensed in this state to perform certain duties and responsibilities.

The bill eliminates the requirement that complaints alleging discrimination based on denial of state employment or occupational licensure due to criminal history be filed within 30 days after the alleged discrimination. It subjects such complaints to the same time frame as other complaints—within 180 days after the alleged discrimination.

### **§ 30 — Complaints Pending More Than Two Years**

By law, if a discrimination complaint has been pending for more than two years, and the CHRO investigator fails within the ordered time frame to issue a reasonable cause finding (i.e., to determine whether there is reasonable cause that discrimination occurred), the complainant or respondent can petition the Hartford Superior Court for an order requiring the commission to issue a finding by a specified date. The petition must be served on the commission and all persons named in the complaint by mail, return receipt requested.

The bill eliminates the option of serving the petition on CHRO's legal counsel, instead requiring it to be served on the executive director. The bill also provides that if return receipts are not available when the petitioner files the required affidavit, the petitioner must file them with the court immediately after receiving them.

By law, the court must hold a hearing on such a petition that is contested. Current law generally requires the court to award court costs and attorneys' fees (up to \$500) to the petitioner unless CHRO shows good cause for not issuing a finding within two years of the complaint filing or the date the executive director ordered the investigator to issue a finding, whichever is later. The bill makes the award discretionary, and allows the court to order it unless CHRO shows good cause for not issuing the finding by the date ordered by the executive director. (Under current law and the bill, certain parties are not allowed to recover such costs.)

### **§ 31 — Procedure After Complaint is Filed**

The bill eliminates the requirement for a respondent to show good

cause to be granted an extension to file a written answer to a complaint. It requires a respondent to file a response to any CHRO request for information within the same timeframe and subject to the same conditions as apply to the answer (i.e., under oath and generally within 30 days).

Under the bill, a complaint sent by first class mail is deemed to be received two business days after it was mailed, unless the respondent proves otherwise. It also treats amendments to complaints the same way as complaints for purposes of these provisions.

**§ 31 — Merit Assessment Review (MAR) and Legal Review of Complaints Dismissed After MAR**

By law, a mandatory mediation conference must generally be held if a discrimination complaint is (1) not dismissed after the executive director's merit assessment review of the case file or (2) dismissed but then reinstated following legal review by CHRO's counsel. The bill eliminates the option for this mediation conference to be scheduled to coincide with the investigator's fact-finding conference.

**§ 31 — Early Legal Intervention and Reasonable Cause Investigation**

By law, either party in a discrimination complaint or CHRO can request early legal intervention for complaints that are not resolved after the mandatory mediation conference. The bill specifies that the executive director or his or her designee can administratively dismiss the complaint at this stage, in addition to the other current options.

**§ 31 — Request for Reconsideration**

The bill eliminates a complainant's ability to request reconsideration of a dismissal for failing, without good cause, to attend a fact-finding conference after being notified of it. It instead allows reconsideration requests to be made for dismissals:

1. for the complainant's failure to attend a mandatory mediation conference without good cause;

2. when the respondent has eliminated the discriminatory practice identified in the complaint, taken steps to prevent a similar future occurrence, and offered the complainant full relief, even though the complainant refused it; or
3. entered administratively after a request for early legal intervention (see above).

### **§ 31 — Order of Default Against Respondent**

The bill allows respondents to apply for relief when the executive director or designee enters an order of default against a respondent.

### **§ 32 — Certification of Complaint**

By law, if a CHRO investigator who finds reasonable cause to believe that discrimination occurred fails to eliminate it, by conference, conciliation, or persuasion, within 50 days after the finding, the investigator must certify the complaint and results of the investigation within 10 days after the 50-day period. The bill specifies that the investigator's conclusion that conciliation has failed is conclusive on this issue.

After a complaint is certified, or after CHRO brings a complaint against a contractor for certain types of violations, the law requires the chief referee to appoint a hearing officer or referee to act as presiding officer to hear the complaint or conduct settlement negotiations. The bill requires the chief referee to appoint a hearing officer or referee to also preside over the complaint following early legal intervention decisions.

The bill allows the parties to all agree to a venue outside of CHRO's office for a hearing or settlement conference. Currently CHRO decides where the hearing or conference takes place. The bill also authorizes the chief referee to appoint a referee or volunteer attorney to conduct settlement negotiations.

By law, the attorney general or CHRO legal counsel can withdraw the certification of a complaint and remand the case to the investigator

upon determining that a material mistake of law or fact was made in the reasonable cause finding. In this situation, the bill requires the investigator to complete any required action within 90 days after receiving the file.

It allows a settlement officer to enter a default, and order necessary relief, if the respondent fails to appear at the settlement conference after receiving proper notice.

### **§ 33 — *Determination After Hearing***

The bill specifically requires CHRO presiding officers, after conducting hearings, to (1) make written findings of fact and (2) when the officer determines that discrimination occurred, take necessary actions to make the complainant whole.

### **§§ 31, 34-35 — *Subpoenas and Interrogatories***

The bill specifies that it is CHRO's legal counsel who has the authority to issue subpoenas as part of CHRO investigations.

It allows a contempt proceeding for refusal to obey a subpoena issued under the CHRO laws to be brought in Hartford Superior Court or the judicial district where the investigation was conducted, in addition to the venues currently allowed (e.g., the district where the hearing was held). It also allows a proceeding to order compliance with CHRO-issued interrogatories to be brought in Hartford Superior Court, in addition to the current venues.

In both types of proceedings, the bill prohibits a party from raising, or the court from considering, an objection not raised before CHRO. For proceedings concerning interrogatories, the bill requires, rather than allows, the court to enter an appropriate order.

### **§ 40 — *Appeal or Reopening***

By law, CHRO or a complainant or respondent can appeal a presiding officer's final decision under the uniform administrative procedure act. It appears that in such appeals, the bill removes the court's authority to order temporary relief, such as a restraining order.

By law, a complainant or respondent can ask CHRO to reopen a case, by applying within two years of CHRO's final decision. The bill specifies that the application must be made to the executive director. It also prohibits such an application by a complainant who (1) has been granted a release from CHRO jurisdiction or (2) has not been granted a release but has filed a court case.

### **§§ 46-49 — Civil Action After Release From CHRO Jurisdiction**

The bill allows someone who has obtained a release from CHRO jurisdiction to bring a court case in the district where he or she resides, in addition to those venues already allowed (e.g., the district where the discrimination allegedly occurred).

It specifically allows the CHRO executive director to designate to someone else his authority to grant a release from CHRO jurisdiction.

It also specifies that a complainant must serve a copy of the complaint in such an action on the executive director, rather than on CHRO.

### **§ 42 — PENALTY FOR FAILURE TO POST CERTAIN NOTICES**

By law, CHRO can require anyone subject to the laws prohibiting public accommodations or housing discrimination to post notices describing those laws. CHRO can also require an employer with at least three employees to post, in a prominent and accessible location, information about the prohibition on sexual harassment and the remedies for victims. The bill subjects employers, employment agencies, and labor organizations that fail to post such notices to a fine of up to \$250.

## **BACKGROUND**

### ***Related Bill***

sSB 1153, reported favorably by the Judiciary Committee, (1) requires the Metropolitan District Commission (MDC) to participate in the state's set-aside program and (2) extends to MDC contracts various requirements for non-discrimination provisions that apply to state



contracts.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 35      Nay 8      (04/19/2013)